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COLLECTION

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Intereſting and *Entertaining* Subjects:

But chiefly ſuch as relate to the

HISTORY and CONSTITUTION of theſe Kingdoms.

Selected from an infinite Number in *Print* and *Manuſcript*, in the ROYAL, COTTON, SION, and other Publick, as well as Private Libraries;

Particularly that of the late Lord *SOMMERS*.

Reviſed by EMINENT HANDS.

VOL. I.

The Bent and Genius of the Age is beſt known in a free Country, by the Pamphlets and Papers that come daily out, as the Senſe of Parties, and ſometimes the Voice of the Nation. Preface to KENNET's Regiſter.

Judex qui aliquid ſtatuit, unâ parte audita tantum et inauditâ alterâ, licet æquum ſtatuerit, haud æquus fuerit. *Ld.* COOK & JUST. *Inſt.*

LONDON:

Printed for F. COGAN, at the *Middle-Temple-Gate*, *Fleet-ſtreet*.
M.DCC.XLVIII.

THE

PREFACE.

OF the general Utility of Collections of this Kind nothing need be ſaid, becauſe nothing is more generally acknowledged. Unleſs, therefore, it can be ſuppoſed, that thoſe already extant contain all the Pieces worth preſerving, no material Objection can lie againſt a new one. But there is no room for any ſuch Suppoſition: Even *Ruſhworth* himſelf, notwithſtanding all his Care, and all the Opportunities he had to make his own complete, has not been able to effect it. Some of the ſcattered Papers of thoſe Times have either eſcaped his Notice, or fallen out of his reach: Beſides, at the Death of the King (*Charles* I.) he cloſed his Work, and the Preſs was never more fruitful than between that Time and the Reſtoration. The Collection ſet forth by *Baldwin*, commonly called the State Tracts of the Reign of *Charles* II. does not contain the tenth Part of thoſe publiſhed in that Interval; and among the Numbers omitted, are many of the moſt material. *That* in three Folio Volumes, treaſured up in every Library, cited by every Hiſtorian, and which is compoſed principally of ſuch Pieces, as made way for or grew out of the Revolution, is liable to the ſame Objection as *Baldwin*'s: Many dull Tracts have found Admittance, many very important

ones have been excluded: Moſt of them are of one Side; and, what is worſe than all, ſome are given without their Anſwers, and ſome Anſwers are given without the leading Papers which gave Occaſion to them. It may be thought invidious to ſpeak with equal Truth and Freedom of any more recent Collections: But thus much we cannot avoid ſaying, That none have ſupplied the Defects of the former; That neither of the long and intereſting Controverſies, nor of the occaſional Pieces of Wit and Humour, which alternately amuſed and diſturbed the Reigns of Queen *Anne* and King *George* I. has any Collection been made; and that one of the great Points endeavoured in *This*, will be to render any other Undertaking of the ſame Kind, within the ſeveral Periods abovementioned, unneceſſary, by rendering it as complete as poſſible.

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A

COLLECTION

OF

TRACTS.

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A NARRATIVE of ſome PASSAGES in, or relating to, the LONG PARLIAMENT.

Curſe not the King, no not in thy Thought, Eccleſ. x. 20.
Rebellion is as the Sin of Witchcraft, 1 Sam. xv. 23.

By a PERSON of HONOUR.

To the READER.

BEFORE thou makeſt an Entry upon the following Diſcourſe, it is fit thou ſhouldſt be acquainted with the Occaſion of its Birth. A near Relation of mine, was the cauſe of my ſetting Pen to Paper, upon a Conceit that being a Member of the Long Parliament, my Obſervation might have fixed itſelf upon ſome Particulars omitted by others, which Particulars he was unwilling ſhould be loſt. And now ſince this Iſſue of my Brain is come into the World, with many Characters of Truth upon its Body, ſome Friends, looking upon it with too favour-

 able

able an Eye, will not consent that it should be stifled by a Confinement to one Family or Place: But on the other Side, lest, travelling abroad it may contract some Disadvantage by too much Expectation, (termed by Sir Philip Sidney, *that friendly Foe) I myself, having assented to a Publication, deem it necessary so far to pass my own Censure upon it, as that more may not be looked for, than it can yield; and not only so, but otherwise to make some little Apology for the Contents of it. I may profess myself, to have been somewhat perplexed, in finding a proper Name for that which I have written. It containeth Matters historical, and yet is no History; for it consisteth of Particulars without any exact Order. It compriseth the Business of a limited Number of Years; and yet I cannot give it the Title of Annals, because Things transacted in several Years are set together. It consisteth of abrupt Parcels; and yet maketh up but one continued Relation. Truth is, it wanteth Method, containing nothing that is perfect; and if it were a perfect nothing, perhaps it would be much better, for then it would give no Offence to any; whereas now my old Fellow-members, and Comrades of that Parliament, will say, I am injurious to them, in relating only those Proceedings which were not justifiable, and omitting the good Things done by them; and will also tax me for Partiality, in not speaking at all of the Provocations and Wrongs offered and done by their Opposers. To this I answer, that from the beginning the War (which with its Preparatives gives Limits to our Business) I know nothing publicly done, that was either good or justifiable, saving only an outward Profession of personal Reformation, which unless it carried with it a real Intention, would have been mentioned with as little Advantage, as had the outward pretended public Reformation, which deserved rather Blame than Praise. The Intention of many of us was also very good, being desirous of Peace and of a good Agreement between Prince and People: But how could this appear without Doors, till the Army had kicked us out of the House? And as for particular Miscarriages of the King's Party, I was not resident within his Majesty's Quarters, and therefore my Relations must have been subject to much Incertainty. But that which must satisfy me is this, that those Members, who were Enemies to the War, will find Reason in that which I say; and as for those* Salamanders, *who could live only in the Fire, I regard not their Censure. Perhaps, I may also be condemned by the Generality as imprudent, in setting an evil Character upon the whole Carriage of that Parliament, when I myself could not but be an Actor in some Part of that Evil. Here I am put to a double Apology for myself; first, as a Subject, and then as a Writer. As to the first, I cannot excuse myself otherwise, than by the Sincerity of my Mind and Intentions. I may freely profess, that I never had the least disloyal Thought in Relation to my Prince, and my Endeavours always tended to a Reconciliation of the Business, with a Production of Peace; and if I were at any Time enforced (for I never did it willingly) to act in the way of Opposition contributory to the War, it was with Hope, that, at last, there would be a happy Agreement. I must thus far confess my Error, that I too much feared the ill Consequences of a Parliament's being run down by Force, and perhaps so great a distrust in the Clemency of his late Majesty cannot be justified; yet I may hope that such a Tenderness upon Mistake, may be esteemed venial in Comparison of greater Offences, which are included in our present Sovereign's gracious Pardon: And as for the Imputation of Imprudence, in stigmatizing myself by too far publishing*

liſhing the Miſcarriages of that Body, whereof I was a Member, I conceive, that I cannot better ſhew myſelf worthy to be included in that his Majeſty's general Pardon, than by declaring a Deteſtation of them, and by ſetting them out in their right Colours; ſo far am I from condemning myſelf in that particular. As to the whole Narrative, conſidering that I have truſted only to my own private Memory and Notes, I will not ſay, but that there may be an Omiſſion of ſome Particulars, as important as thoſe inſerted; but I am confident, that for the ſubſtantial Truth of that which I have delivered, there can be no juſt Exception to it, and ſo I muſt refer all to thy Cenſure.

FAREWEL.

CARDINAL *de Richelieu*, that great Favourite of *France*, (perhaps to inſinuate into his Maſter's Thoughts the high importance of Naval Power) cauſed a Ship of extraordinary Bulk to be made, which his Malevolents affirmed to be an Emblem of himſelf: For as that Ship could not move at Sea, but in a Storm, ſo (ſaid they) the Cardinal could not live in a quiet and undiſturbed State. This was ſaid of that great Miniſter of State, becauſe he held his Prince engaged in a continual Foreign War: And if ſuch a War were imputed to him, as miſchievous to that Kingdom, what ſhall we think of thoſe, who in this our Iſland ſo troubled the Waters at home (to fiſh out a Greatneſs for themſelves) as to ſever the Head from its Body, and by unſinewing the Government, to batter down all the Pillars that ſupported it, and ſo to bring an abſolute Anarchy and Confuſion upon the whole Nation? Surely the Depth of this Offence is not to be fathomed; yet thus much is ordinarily ſaid in their Defence, that they were ſo far from deſigning Anarchy, as they intended only Reformation, and the ſetting up of a much more accompliſhed Government. It is eaſy to be believed, that Confuſion was not their *ultimate* End; and there needeth no other Proof of it, than the Actings of *Leviathan Cromwell*, who made his own perſonal Greatneſs the Foundation of ſomething in the way of New Government. And the Intent of Reformation, or of a new Model, can be no Juſtification of any particular Rebellion, ſince the ſame Ends are pretended to by all Perſons, that, at any time, raiſe a Power in Oppoſition to the preſent Governors, as theſe very Perſons found by Experience during their ſhort Rule. *Ariſtotle* and his Adherents are much cried down by our modern natural Philoſophers, for making Privation a Principle; but certainly theſe Men made it the moſt conſiderable Principle in their Politics; for they could not effect any Thing fully, but Demolition and Deſtruction. They never ſet up any Thing in the Way of Government that was new, but it was in a ſhort time diſliked and overthrown: And indeed it could not be otherwiſe, ſince the greedy Monſter of their Faction could not ſubſiſt, but by devouring whatſoever was moſt precious in the Land; and ſince the Opportunity to do ſo could not be had, but by frequent Changes of Government; ſo the Rapacity of this Brood of Harpies cauſed the Deſtruction of ſo many fair Buildings, whereof the raiſing had been ſo coſtly, the Suppreſſion of Biſhops with their Hierachy, and the Sale of their Lands, and (I may even ſay) felling of the *Royal Oak* itſelf, with Proſtitution of the Public Revenue and Ornaments to Sale; and the ſame Cauſe

would infallibly have produced the Ruin of both Univerſities, with Demolition of the Colleges, and Alienation of their Lands, and many other Deſtructions of that Nature, ſo as to have deprived the Nation of all Excellence in the way of Beauty and Splendor. That this was done, the Power once raiſed, is not ſtrange; but how ſo great a Part of the People (nay even of that Remainder of Parliament) ſhould be drawn to conſent to it, carrieth much Wonder; and certainly there was much Art uſed, to win their Conſent to ſo great a Devaſtion. The hiſtorical Part of this Buſineſs being too heavy a Burden for my Shoulders; I ſhall only (for the Satisfaction of ſome Friends) ſet down in writing, my Obſervations of the Carriage of that Buſineſs at *Weſtminſter*, where I was then reſident as a Member of the Houſe of Commons, wherein perhaps there may be found ſome Particulars, not ſo obvious to others, and in that Reſpect likely to be omitted.

In Matters Political it is ſeldom found, that Events depend upon Cauſes neceſſarily producing them; and when they do, there muſt be ſome great Imperfection in the original Conſtitution of a State; as Writers in Politics affirm, of Civil War ariſing in an Oligarchy, by Reaſon of many Dependencies upon great Perſons poſſeſſed of the Sovereign Power, whoſe private and differing Intereſts diſtract the Forces of ſuch Commonwealths; but this cannot be our Caſe, who live in an extraordinary well-tempered Monarchy, where the perfect Conſtitution is ſufficiently proved by an Efflux of very much Time, without the leaſt Appearance of any viſible Defect. We muſt therefore ſearch out other Cauſes. It cannot be doubted, that there is a Divine Providence, which ordereth and governeth all Things; but as this is above us, and altogether out of our Sight, ſo we muſt rather ſubmit chearfully, than make any Inquiſition about it. As for ſecond Cauſes in Diſturbance of States, none can juſtify an armed Oppoſition by Subjects againſt their Sovereign; and unleſs there be ſome plauſible Title to the Supreme Power, there is ſeldom any that become conſiderable, but Diſcontents upon Conceit of Miſgovernment; and in this Caſe the Juſtneſs of Diſcontent is not ſo dangerous, as the Generality of it; and in that Reſpect Deſigns grounded upon right Reaſon, and with Certainty of public Advantage, if effected, are yet well laid aſide, when liable to a general Miſconſtruction, in the way either of Danger or Oppreſſion. Never Parliament was aſſembled, when the People were in a higher Diſcontent, than at this Time: Such a general Diffidence there was, as they thought themſelves ſure of nothing. The Increaſe of Ceremonies had made them fear the Approach of a Religion hateful to them. The late Buſineſs of Ship-Money, together with ſome other Impoſitions without Conſent of Parliament, cauſed them to apprehend the Loſs of Property in their Eſtates; and they had little hope of Redreſs by Parliament, becauſe his then Majeſty had been ſo unhappy, as to be put upon a * *ſudden Diſſolution* of all Parliaments formerly by

* He had diſſolved the laſt in 1628-9 (for during ſo long an Interval, did his Majeſty chuſe to govern without a Parliament, and to ſupply his Neceſſities by thoſe (illegal) *Impoſitions* ſo tenderly mentioned by his Lordſhip) not only *ſuddenly* but *violently*; and the whole Conſtitution had, in a Manner, reeled under the Shock: That therefore this Palliative may not too much ſoften the Features of Truth, it may be expedient to add the following Brief of that extraordinary Event; which is partly extracted from the Ap-

by him called. There wanted not Persons ill-disposed and seditious, to trumpet these Things in the Ears of the Generality, whereby they incensed them so far, as thereby they found Means to raise a Power against their Sovereign; which how it was done, and by what Degrees, and how improved, is the chief Intent of our Business to set forth.

At

Appendix to the *Commons Journals*; partly from the *Council*-Books, and partly from *Rushworth*'s Collections. The King had fatally resolved to levy Tonnage and Poundage on his People, in Virtue of his Prerogative, without Consent of Parliament, (although when yielded first to our Princes in Parliament, it is premised, in expres Words, that the Grant was made of *Good Will* and not of *Duty*) and having in the Recess of Parliament, *Anno* 1628, caused several Persons to be imprisoned, and seized the Goods of others, particularly of Mr. *Rolle*, a Member, for refusing to pay it; the Parliament when they met *January* 1628-9, entered immediately on the Consideration of this Matter, as a great Grievance; and with so much the more Heat, because the *Customers* who had made the Seizure, when put in Mind of the Privilege of Parliament, by Mr. *Rolle*, arrogantly replied, *If all the Parliament were concerned in the Goods they would seize them.* A Committee was appointed to examine into, and make a Report of, all that had passed: The King justified what had been done, in a Speech from the Throne to both Houses, and withal demanded to be authorized by Law, to levy the same Duty for the future. The Commons not only denied his Right, but questioned the *Customers* for presuming to seize the Goods of Parliament-men: They answered, *That they conceived there was no Privilege of Parliament in this Case.* This redoubled the Disgust and Indignation of the House: And while they were debating the Matter with great Warmth, his Majesty, by Message, gave them to understand, *That what the Customers had done was by his Order, and that he would not have his particular Interest severed from that of his Servants, who acted by his Command.* This added yet more Fuel to the Flame. The Order of Council for levying Tonnage and Poundage was read; after which a Motion was made, seconded, and fiercely debated, *That the seizing the Goods of Mr.* Rolle, *a Member, was a Breach of Privilege*; and the Speaker, being called upon to put the Question, he was pleased to answer, *That he durst not: For that the King had commanded the contrary:* This threw the House into a violent Ferment, in the midst of which they adjourned: And at their next Meeting *March* 2, the Flames broke out with more Violence than ever. The Speaker [Sir *John Finch*] having taken the Chair, and delivered the King's Command for Adjournment of the House, until *Tuesday* seven-night following, being the 10th of *March.* [*These are the very Words made use of in the Appendix.*] "The House made him Answer, That it was not the Office of the Speaker to deliver any such Command unto them; but for the Adjournment of the House, it did properly belong unto themselves; and after they had uttered some things which they thought fit and convenient to be spoken, told the Speaker, That they would satisfy the King. The Speaker told them, He had an expres Command from his Majesty, as soon as he had delivered his Message, to rise, and upon that left the Chair; but was by Force drawn to it again by Mr. *Denzil Holles*, Son to the Earl of *Clare*, Mr. *Valentine*, and others: And Mr. *Holles*, notwithstanding the Endeavour of Sir *Thomas Edmonds*, Sir *Humphry May*, and other Privy-Counsellors, to free the Speaker; swore *God's Wounds!* he should sit until they pleased to rise. Here Sir *John Elliot* began a rhetorical Oration, to inveigh against the Lord Treasurer *(Weston)* the Bishop of *Winchester*, *(Neale)* &c. saying, He could prove the Lord Treasurer to be the greatest Instrument in the Innovation of Religion, and Innovation of our Liberty; and offered a Remonstrance to the House, wherein he said he could prove him to be the greatest Enemy to the Commonwealth: Saying, that he had traced him in all his Actions; and withal, that if ever it were his Fortune to meet again in that Honourable Assembly, he pro-

At the time of assembling this unhappy Parliament there were two Armies on foot in *England*, whereof one was that of the *Scots*, and another consisting of *Englishmen* to oppose them, if Occasion were; and the King, to remove all Jealousy of a wilful Continuance of the War, by engaging them to a fresh Hostility, had made the Earl of *Holland*, (a Person then standing gracious with the Par-

protested, as he was a Gentleman, where he now left, he would then begin again: And further said," *God* knows, I now speak with all Duty to the King: It is true, the Misfortunes we suffer are many; we know what Discoveries have been made; how *Arminianism* creeps and undermines, and how Popery comes upon us: They mask not in strange Disguise, but expose themselves to the view of the World. In search whereof, we have fixed our Eyes not simply on the Actors, the Jesuits and Priests, but on their Masters; they that are in Authority. Hence it comes that we suffer: The fear of them makes these Interruptions; you have some Prelates that are the Abbettors; that great Bishop of *Winchester* we know what he hath done to favour them: This fear extends also to some others, who, I fear, in Guilt of Conscience of their own Desert, do join their Power with that of the Bishop and the rest, to draw his Majesty into a Jealousy of the Parliament, among whom I shall not fear to name the Lord Treasurer, in whose Person all Evil is contracted; I find him acting and building on those Grounds laid by his Master, the late Duke of *Buckingham*, and his Spirit is moving for these Interruptions; and from fear breaks Parliaments, least Parliaments should break him. I find him the Head of all that great Party, the Papists, Jesuits, Priests, and all derive from him their Shelter, and Protection. ——— [*Here the Minutes that we follow grow unintelligible*;] and in order to finish the Period thus begun, we must copy the Indictment brought by *Heath* the King's Attorney, against those Parliament-Rioters, where the Residue of it is set down in the following Words. "The Interest which is "pretended to be the King's is but the In-"terest of that Person [the Treasurer] to "undermine the Policy of this Govern-"ment, and thereby to weaken the King-"dom, while he invited Strangers to come "in, to drive our Trade; or at least our "Merchants to trade in Strangers Bottoms, "which is as dangerous. Therefore it is "fit to be declared by us, That all that we "suffer is the Effect of his Councils, to "the Ruin of the Government of the State; "and to make a *Protestation* against all those "Men, whether great or subordinate; that "they shall be declared as capital Enemies, "*&c.*"

This *Protestation* or *Remonstrance* Sir *John*, who brought it ready drawn up, had before thrown down upon the Floor: Mr. *Strode*, in contending to have it read, was pleased to say, "That we may not be turned off "like scattered Sheep, and sent Home as "we were last Sessions, with a Scorn put "upon us in Print, and moved "that all "who were for the Reading should stand up," which they did. Mr. *Holles* then drew up *Elliot*'s Protestation into the following Heads, *viz.*

I. Whosoever shall bring in Innovation of Religion, or, by Favour or Countenance, seem to extend or introduce *Popery* or *Arminianism*, or other Opinions disagreeing from the true and Orthodox Church, shall be reputed a capital Enemy to this Kingdom and Commonwealth.

II. Whosoever shall counsel or advise the taking and levying of the Subsidies of Tonnage and Poundage, not being granted by Parliament, or shall be an Actor or Instrument therein, shall be likewise reputed an Innovator in the Government, and a capital Enemy to the Kingdom and Commonwealth.

III. If any Merchant or Person whatsoever shall voluntarily yield, or pay the said Subsidies of Tonnage and Poundage, not being granted by Parliament; he shall likewise be reputed a Betrayer of the Liberties of *England*, and an Enemy to the same. *Rushworth*, Vol. I. *page* 660.

And Mr. *Selden*, according to our *Manuscript*, which we are now to resume, spoke as follows:

Parliament and People) General of the *Engliſh* Army. The Perſons who knew themſelves faulty in holding Intelligence with the *Scots*, were then ſo apprehenſive of a compleat Agreement between his Majeſty and them, and of their being won to a Compliance with him in all things, as the Earl of *Holland*, in a private Letter to Mr. *Pym*, writ ſomewhat to this effect; *that the Sky was horridly black*

" Mr. Speaker, you ſay you dare not put the Queſtion which we command you; if you will not put it we muſt ſit ſtill, and thus we ſhall never be able to do any thing; they which come after you may ſay they have the King's Command not to do it. We ſit here by Command of the King under the great Seal of *England:* And for you, Mr. Speaker, you are by his Majeſty in Perſon (ſitting on his Throne, and Chair of Eſtate, before both Houſes of Parliament) appointed our Speaker; and yet now, under a Pretence of a Meſſage delivered unto you in private, you refuſe to do the Office, and Service of a Speaker."

Yet, notwithſtanding the Speaker's Extremity of Weeping and his ſupplicatingOration, quaintly eloquent, Sir *Peter Hayman*, a Gentleman of his own Country, bitterly inveighed againſt him; told him, he was ſorry he was a *Kentiſh* Man, that he was a Diſgrace to his Country, a Blot to a noble Family, and that when all the Inconveniences that ſhould follow, yea their Deſtruction, ſhould be derived to Poſterity, as the Iſſue of his Baſeneſs, he ſhould be remembered with Scorn and Diſdain: And that he, for his Part, (ſince he would not be perſuaded to do his Duty) thought it fit, he ſhould be called to the Bar, and a new Speaker choſen in the mean Time; ſince neither Advice nor Threats would prevail.

The King, hearing that the Houſe continued to ſit (notwithſtanding his Command for the Adjournment thereof) ſent a Meſſage for the Serjeant with his Mace, which being taken from the Table there can be no farther Proceeding; but the Key of the Door was taken from the Serjeant [by Sir *Miles Hobart*] and delivered to a Gentleman of the Houſe to keep, and the Serjeant himſelf (being a very old Man) was at his Requeſt, ſuffered to go out only; and ſtood without the Door, but left his Mace behind him.

After this the King ſent *Maxwell* with his Black Rod for the diſſolving of the Parliament; but being informed that neither he nor his Meſſage could be received by the Houſe, his Majeſty grew into much Rage, and ſent for the Captain of the Penſioners, and his Guard to force the Door; but the Riſing of the Houſe prevented the Inconveniences and Miſchief that hereon might have enſued. On the 10th, nevertheleſs his Majeſty returned to the Houſe of Peers, and, without ſendingfor the Commons, (whom he took Occaſion, in his Speech to their Lordſhips, to brand as *diſaffected* Perſons, or to call *Vipers*, according to *Ruſhworth*) ordered the Lord Keeper to diſſolve the Parliament, which was done accordingly.

In the ſame Heat he alſo cauſed Orders of Council to be iſſued, for the offending Members to appear before them: Thoſe that obeyed, were Mr. *Denzil Holles*, Sir *Peter Hayman*, Sir *John Elliot*, and Sir *Miles Hobart* (not *Coriton* and *Valentine*, as is aſſerted by *Whitlock* and *Ruſhworth*.) And what paſſed on that important Occaſion, was as follows:

Sir Peter Hayman *was asked*,

Wherefore he ſo reproved the Speaker of the Lower Houſe of Parliament?

And anſwered,

Becauſe he was their Speaker, and ſo the Servant of the Houſe, and one that ought to have been employed in the Houſe's Commands: And he did it with the more Freedom and Deteſtation, becauſe he was alſo his Countryman; tho' he ſhould have done it to any other Man, that had in the ſame kind deſerved it.

He was asked again,

What would you yourſelf have done, had you been Speaker, and commanded by the King to deliver ſuch a Meſſage from his Majeſty to the Houſe?

And anſwered,

I would have thrown myſelf at his Majeſty's Feet, and have given him to underſtand, That in Reſpect I was the Speaker, I was the moſt imperfect and unfit Perſon to deliver

black in those northern Parts, and that all things there seemed as tending to an universal Judgment. The Earl being then General, could not intend this other than a private Advertisment; but Mr. *Pym*, finding the Publication of it a fit means to encrease the general Apprehensions, presently imparted that Letter to the House of Commons, and from thence the Substance of it was divulged over all the City of *London*. This served to keep the People in a Heat and Jealousy concerning the King's Intentions: But that Heat proved vain, for the Pacification was effected wholly by Interposition of the *English* Commissioners, who were Persons approved of by the Parliament as to that Employment. But this Business of satisfying the *Scots*, and of disbanding of the Armies, requiring vast Sums of Money, there were great Taxes laid upon the People, by Act of Parliament, which

deliver any such Message; and therefore most humbly have supplicated his Majesty to solicit some other to perform that Part.

Sir John Elliot *was asked*,

Whether he had not spoken such and such Words in the Parliament-House; and shewed such a Paper?

And answered,

That whatsoever was done or said by him in that Place, and at that Time, was performed, as he was a public Man and a Member of the House; and that he was, and always would be ready to give an Account of his Sayings and Doings in that Place, whenever he should be called unto it by the House, where he was, he took it, only to be questioned. In the mean time, being now a private Man, he should not trouble himself to remember, what he had there spoken or done in that Place, as a public Man.

Sir Miles Hobart,

Being questioned about shutting the Door.

Answered,

That he desired to know by what Authority he was examined to give an Account of his Actions done in Parliament? That he thought it was a Course without Precedent; and that no Court nor Commission could take notice of any thing done or said in Parliament but a Parliament. Nevertheless, he would not stick to say and confess, that it was he that shut the Door, and put the Key in his Pocket; and he did so, because the House commanded it.

And lastly, Mr. Denzil Holles, *being questioned.*

Wherefore he, contrary to his Use, did that Morning that the Tumult was in the House. place himself above diverse of the Privy-Council by the Chair?

Replied,

That he had at some other times, as well as then, seated himself in that Place; and as for his doing so he took it to be his due in any Place whatsoever except at the Council Table; and that for his part, he came into the House that Morning, with as great Zeal to do his Majesty Service, as any one whatsoever: Yet, nevertheless, finding his Majesty was offended with him, he humbly desired he might be the Subject of his Majesty's Mercy and not of his Power.

To which the Lord-Treasurer answered, *He meant rather of his Mercy than his Justice*; but he said, *I say of his Power, my Lord.*

The Particulars of this Examination are taken out of the *Council-Books*: And to close on this Head, it may be proper to add, First, That, in Resentment of this noble Firmness, these Gentlemen and all the others concerned in that Force on the Speaker, were committed to the Tower, were prosecuted both in the Star-Chamber, and in the King's-Bench, were denyed the Benefit of their *Habeas Corpora*, and, upon the Issue of all, were not only fined, (that is to say, *Elliot* 2000*l.* *Holles* 1000 Marks, *Valentine* 500*l.*) but by express Sentence, ordered to be kept in Prison, 'till they had given Security for their good Behaviour, and made a Submission and Acknowledgment of their Offences; as may be seen more at large in *Rushworth* and *Whitlock*: And Secondly, That when the new Parliament met in 1640. one of their first concerns was to provide an additional Fence for their own Privileges, by taking the whole Proceeding into Examination, and by passing some of the strongest Votes upon it, that are, upon any Occasion whatsoever, to be found upon their Books.

which Money was not likely to be levied in much Time, and therefore there needed a preſent Supply by the City of *London*, who (as was pretended) would not part with their Money, leſt a Diſſolution of the Parliament ſhould come before Payment; thereupon the King was preſſed to paſs the Act of Continuance, whereby the Parliament could not be diſſolved, but by their *own Conſent*. This Act had the Royal Aſſent, and gave to the Crown the greateſt Blow that it had yet received; for ſo the King eſtabliſhed againſt himſelf a Power, which he could not extinguiſh. This Pacification being free from all ſecret Agreements with the *Scots*, gave a great Strength and Confidence to our *Ciniflones*, or Kindlers of Sedition: For though the Presbyterian Diſcipline was now again confirmed, as to *Scotland*; yet it was impoſſible, that the *Scots* could think themſelves ſecure to hold it, as long as Epiſcopacy ſtood firm in *England*; in which reſpect they could not but be willing to aſſiſt thoſe, whoſe Deſign it was to aboliſh it. Before this time, it was thought fit, to deprive the King of two prime Counſellors, the Archbiſhop of *Canterbury*, and the Earl of *Strafford*, (whoſe Names were delivered in by the *Scottiſh* Commiſſioners, as Incendiaries between the two Nations) which was done by way of an Impeachment by the Houſe of Commons at the Lords Bar, for High-Treaſon. Upon this Impeachment it was found requiſite to commit them preſently to the Tower, ſo as the King was immediately deprived of their Advice in Council; and the Earl of *Strafford* was ſpeedily brought to Trial in *Weſtminſter-Hall*, with much Solemnity, which had Continuance for many Days; and at laſt was broken up with Heat and Violence by the Houſe of Commons, ſuch as ill became the Gravity of that Aſſembly; and they did it, conceiving that the Lords carried themſelves partially, in relation to the Perſon impeached: But his Condemnation was finiſhed afterwards by the legiſlative Power in a Bill of Attainder, which could not paſs the Lords, till many of them were ſo terrified by Tumults, as they found it for their Safety to be abſent at the laſt Reading. And this Buſineſs of the Bill was carried on with ſuch Violence, as there was a kind of Proſcription of ſuch Perſons, as in the Houſe of Commons had voted againſt the Bill; for their Names were poſted up in *London* by the Care of ſome malicious body. The Archbiſhop was reſerved to a Trial, leſs legal as to the Form, but no leſs fatal to his Ruin; being ſome few Years after condemned by a Bill paſſed in both Houſes, but wanting the royal Aſſent. At or about the Time of *Strafford*'s Trial, there was a general Licentiouſneſs uſed. The Parliament-Houſes were daily haunted with a Rabble of tumultuating People, crying out for, that which they called, Juſtice. There was alſo a Liberty aſſumed, and connived at, to print and publiſh what every one thought fit, which, for the moſt part was in Defamation of the Governors Eccleſiaſtical and Temporal. Within the City of *London* the Pulpits were almoſt wholly poſſeſſed by *Preſbyterian* Miniſters, whoſe *Eloquence* was altogether employed the ſame way. In the Country (or at leaſt in diverſe Parts) there was ſuch Encouragement given under-hand, as the common People fell upon *Popiſh* Recuſants, and plundered their Houſes with all Severity: And the Houſe of Commons being made acquainted with the Inconvenience and Terror of theſe Tumults, as well by their own Members, as by a Meſſage from the Houſe of Lords, would not be drawn to diſcountenance, much leſs to declare againſt them. It was not long after the Pacification, that the

Scots much urged the King to go into *Scotland* to be crowned, whereunto his Majesty assented at the last, which gave great Jealousy again at *Westminster*; insomuch, as the Parliament made some Addresses to the King, desiring that he would not depart out of the Kingdom at that Time; but those Addresses became altogether fruitless; the King declaring his absolute and peremptory Engagement to go: And the Apprehensions of this Journey were so powerful, as a very active Member of the House of Commons, standing at the Door of the Lords House, upon occasion of a Message, having fetched a great Sigh, made a Profession, *That he thought we were all undone*; but the Presbyterian *Scots* continued true to their own Interest, with a respect also to their Profit, and expecting to be called again into *England*, as it came to pass afterwards. The *Scottish* Coronation being passed, the King returned to *London*, and then the Exasperations grew higher than ever. It seems his Majesty was willing to impute the Disorders in Parliament to some particular Persons, Members of both Houses, whom he had found to have held Intelligence with his Enemies; and therefore he directed his Attorney-General to accuse the * *five Members* (whose Names are well known) in Parliament of High-Treason, which was so ill resented in both Houses, as the Impeachment was refused; thereupon his Majesty fell upon that unhappy Resolution, of coming personally into the House of Commons, which gave so great Offence, as both Houses, pretending they could not sit securely at *Westminster* without a Guard, adjourned themselves for some Days and appointed to meet during the Vacancy in *London* as grand Committees, to consider what was to be done upon the pretended Breach of Privilege. This gave a great Advantage against the King; for by this means they had Opportunity to fix their Correspondence with the Citizens, and to engage them in their Defence. Between this Time, and the King's Return out of *Scotland*, the Court had been annoyed with a Confluence of unruly People; so as it was thought fit to have a *Corps de Guard*, (or a Court of Guard, as they call it) kept in the Passage before *Whitehall*, to keep the Rabble at a distance. But during this Adjournment, the Citizens of *London* became so engaged, as, upon the Day of the Houses meeting again at *Westminster*, they sent a little Army, with some Field-pieces, for their Security: These passed by Land and by Water on each Side of *Whitehall*; and the Noise of their coming was so loud, as it was concluded fit, for the Guard of *Middlesex* trained Bands to withdraw, and so there Passage became free. This was interpreted at Court, as the Beginning of a War; and thereupon his Majesty thought good to retire to *Hampton-Court*. After this, there were many Addresses to the King by the Parliament, but not any that could be, in the least measure, pleasing to him. It happened that Mr. *Pym* had newly and publicly, (at a Conference between the Houses, as I take it) used some Words of Disrespect to the King, wherewith his Majesty expressed himself to be offended; and thereupon the House of Commons, having Notice of the King's Resentment, took a Resolution to send his Majesty a Paper, in full Justification of that which Mr. *Pym* had said; I myself was present at this Resolution, and appearing dissatisfied with it, immediately went out of Doors, which being observed by a Back-Friend of mine, he named me of the four to carry it. This unwelcome News was brought to me to my own House by one of our Serjeants, with

* *Pym*, *Hampden*, *Holles*, *Haslerig* and *Stroud*.

with a Copy of the Order, which must not be disobeyed; and so we went, and delivered the Paper to his Majesty at *Hampton-Court*, which being read, he began to discourse upon it, as if he expected Reason from us, and seemed to address his Speech more particularly to me, (perhaps having heard of my Dislike:) But Sir *John Culpepper*, then Chancellor of the Exchequer, and chief of the four, told his Majesty, We had not Power to speak one Word; whereupon we were dismissed and returned to *London*. After this the King left *Hampton-Court*, and went to *Theobalds*, whither the Parliament sent a Committee of Lords and Commons; but with a * Message, either so unreasonable, or unseasonable, as the King thought fit to dismiss them with an absolute Negative; and there passed something then, which perhaps may be fit to be inserted herein, as containing that which is something extraordinary. I received the Relation from a noble Person, who was one of the Commoners then sent, and this it is. After having received his Majesty's Answer the Committee being still at *Theobalds*, retired itself, to take into Consideration the Terms of it, that there might be no Difference in reporting to the several Houses of Parliament. As soon as the Committee was set, the Earl of *Warwick* was called out, to speak with his Brother the Earl of *Newport*. He went out, and speedily returned with this Account of the Business; That the Earl of *Newport* had acquainted him, That the King was even then so pressed to give a more satisfactory Answer, as he was confident they should have such an Answer, if they would but defer their Departure for a small Season: To this the whole Company seemed to assent with much Chearfulness, when, suddenly, young Sir *Henry Vane* declared himself to marvel at it; for, said he, "Is there any Person here, who can undertake to know the Parliament's Mind; that is, whether this which we have, or that which is called a more satisfactory Answer, will be more pleasing to the Houses? For my Part I cannot, and if there be any Man that can, let him speak." To this no Man made any Answer, and so having agreed upon the Report to be made, they departed. I have related this, to shew how easily one subtle, ill-disposed Person may overthrow a general good Intention. Now were the *well-affected* Party (as it was then termed) stirred up in all Parts, to give Encouragement to the House of Commons, in the way of pretended Reformation, by Petitions, whereof some were delivered daily at the Bar, and the Deliverers had Thanks given by the Speaker, which was a thing altogether new: And as a general Return to these, and to keep the People in perfect Heat, it was resolved, That a general and public Declaration of the State of the Kingdom should be made to the Nation. In time of former Princes the House of Commons had sometimes (but very rarely) made Remonstrances of that nature to the King, which were never pleasing to him, yet not justly to be excepted against, because it is expressed in the Writs of Summons, that they are to advise his Majesty; but for any advising (or treating with) the People, it was always held illegal, and of mischievous Consequence. Upon these Grounds the Declaration being brought into the House caused a very long Debate, but was at last passed, with the Dissent of very many of the most considerable Members. Our Nation being in such Disorder, the

* Requiring him to agree with his two Houses in settling the *Militia*, according to the humble Petition and Advice, or in other Words, to transfer the Power of the Sword, out of his own Hands, into theirs.

Rebellion broke out in *Ireland*, and the Lords of the Council being yet in *London*, imparted their new received Intelligence to the Houſe of Commons, who ſeemed chearfully to embrace the Buſineſs of reducing that Kingdom to Obedience, and thereupon endeavoured the raiſing of a Stock of Money by Adventure, upon Security of the living Bears-ſkin, which were the Eſtates of ſuch Perſons as were in Rebellion. Upon this the King made offer of going in Perſon to ſuppreſs the Rebellion, if he might be ſupplied with Money, and other Neceſſaries for the Work; which Offer was ſo far from being hearkened unto at *Weſtminſter*, as it created new Jealouſy. But the Parliament made good Uſe of the *Iriſh* Buſineſs; for by that Means they liſted Officers, and made full Enquiry concerning their Inclinations, which ſucceeded happily with them afterwards. Every Day produced new Differences between the King and Parliament; for that unſatiable Monſter of Public Security cauſed the making of a Propoſition to his Majeſty, which was, that the Parliament might govern the Militia, (or Train-bands) for ſome time at leaſt, which was rejected by the King, as a Power not to be parted withal, no not for an Hour; whereupon the Parliament made new Lieutenants for each County, who aſſumed the Exerciſe of that Power by Parliamentary Authority in many Parts of the Kingdom. And upon the ſame ground of Public Security, Sir *John Hotham* ſeized upon the Town of *Kingſton upon Hull*, with the King's Magazine there, which his Majeſty cried out upon, not only as rebellious, but as a robbing him of his Arms and Ammunition; being perſonal Goods bought with his Money; and this before any the leaſt Act of Hoſtility ſhewed on his Part. The King was then retired to the City of *York*, as a Place of more Safety, than nearer to *London:* And there, firſt of all, the Warrants of Parliament being ſent by expreſs Meſſengers for Delinquents (by them ſo ſtiled) were flatly diſobeyed, which was no unwelcome News to the great Managers of Affairs at *Weſtminſter*; for they pretended ſuch Obſtruction of Juſtice, to be a juſtifiable and ſufficient Ground for the raiſing of Forces. When the Oppoſition was grown to this Height, his Majeſty judged it fit, That ſuch Members of both Houſes as had reſolved againſt the Parliament ſhould withdraw themſelves; and one of the laſt that continued ſitting in the Houſe of Commons, was Mr. *Sydney Godolphin*, who, for a Farewel, declared, "That by a War the Parliament would expoſe itſelf to unknown Dangers: For (ſaid he) when the Cards are once ſhuffled, no Man knows what the Game will be;" which was afterwards found by Parliament too true, when their own Army became their Maſters. But in the mean time, this Seceſſion of Members did very much facilitate the Entry into, and Continuance of the War; all Diſpute being taken away within the Houſes; and the Houſe of Commons would not loſe this Convenience; and therefore they ſoon excluded the withdrawn Members by ſpecial Vote. This Abſciſſion or cutting off of Members, had been formerly uſed in this and other Parliaments, but very rarely, and for Offences extraordinary, and ſuch an Offence was this Obedience to his Majeſty then adjudged to be: So unfitting a Time for Judgment is the Heat of Civil War, in Matters relating to that War! This War firſt began in Paper, by Manifeſto's, and Declarations, on both Parts, which brings to Remembrance a pleaſant Paſſage in the Houſe of Commons upon this Account. One of the Members brought in with him into the Houſe a Declaration of his Majeſty's, which he had newly bought; and complained

plained much of thoſe, who were ſo inſolent, as freely to ſell ſuch Papers of the King's: At this a young Gentleman (of thoſe who were accounted Fanatics in thoſe Days, but one who never ſpake publicly in the Houſe) grew into a ſeeming Impatience, and ſaid with much Earneſtneſs, Why not his Papers as well as every Man's elſe? Which though loudly, yet being ſpoken without ſtanding up, was anſwered only with Looks and Smiles. This Paſſage is ſcarcely worthy of a place in any ſerious Diſcourſe; yet it ſeemeth naturally to expreſs the ſmall Ingenuity of thoſe Times, which allowed not to a Sovereign Prince in his own Dominions, that Freedom, which every petty Fellow aſſumed without Exception.* At this time both Parties were employed in raiſing of Forces; The Earl of *Eſſex* being made Captain-General for the King and Parliament, (as the Stile of the War was then) with full Power to nominate Officers; and I can affirm, that the Army was raiſed with great Difficulty; there being immediately upon Grant of that Commiſſion, the greateſt Solicitude at *Weſtminſter* that I had ſeen; whereof I my ſelf taking Notice before a Member, who was deſigned to a principal Command in the Army, as a Thing of ſmall Encouragement, he made this Anſwer, "That he thought the People of *England* were mad, being ſo blind to the diſcerning of their own Intereſt:" But the Parliament's Buſineſs was more and more facilitated every Day, there being a Committee erected of Lords and Commons, called the Commitee of Safety, in the Nature of a Privy-Council; and Money or Plate coming in freely (upon the Propoſitions for Contribution) in *London* beyond any Man's Expectation. But that which moſt advanced the Levies, was a Liberty declared for Apprentices to forſake their Maſter's Service at this Time, without loſs of * Freedom: And the Nomination of Colonels, Members

* This Circumſtance gave Riſe to the following Mock-Petition, which was preſerv'd in that Part of Lord *Sommers*'s Collection, now belonging to Sir *Thomas Webſter*.

To the Lords and Commons, continuing *at* Weſtminſter, *the humble Petition of the Scholars, of the ſeveral* Grammar-Schools, *in and about the City of* London;

Sheweth,

THAT your pretty Petitioners, having heard of your admirable Vigilance and Policy, in granting free Leave to the Apprentices of this City for the *Public Good*, to run from their Maſters, and to ſerve their Time out under his Excellency, with whom they may have the Honour to live and die, and that, for the Satisfaction of their Friends, who fooliſhly expect, that their ſaid Children ſhould be taught their Trades, whereby they might be hereafter enabled to live honeſtly in their ſeveral Vocations, your wonderful Juſtice and Power have ordained, that they ſhall *loſe no Time* in the Expedition they have now undertaken, but that when his Excellency and the *Public Good* ſhall be able to defend one another, all evil Counſellors and the Malignant Party being devoured and eaten up, and his Majeſty gotten into honeſt Hands again, that the ſaid Apprentices ſhall (if they pleaſe) return to their ſeveral Shops, and be made Foremen and Freemen, as if their Aprons had never been left off, with other notable Privileges *againſt* their Maſters, and *with* their Miſtreſſes, which your grave Wiſdoms, for the Encouragement of well affected Perſons, have provided for them;

Your Petitioners fall upon their Knees before your *Almightineſs*, and deſire that, in this Year of Jubilee, when all manner of People are ſuffered to do *what they pleaſe*, and no Rules, Laws, or Orders are left, to compel this Free-born Nation, they may not be left the *only Subjects* of this Kingdom, but may be alſo at Liberty to exerciſe their

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Members of both Houſes, being Perſons eminent for Popularity, ſo as the Army conſiſted very much of Boys at the firſt; but there being great Scarcity of experienced Commanders, the General thought it neceſſary to accept the Service of diverſe *Scottiſhmen*, whom the Aſſurance of good Pay had invited to offer themſelves; being not only able Perſons for Command, but alſo better hardened in the way of Military Oppoſition to the Royal Power, than our *Engliſh*. Now there paſſed every Day Acts of Hoſtility; for the King appearing in Perſon before *Hull*, and Entrance being denied, raiſed a Battery againſt the Town, and laid a kind of Siege to it. On the other ſide, the Parliament's Forces ſeized every Day, upon ſuch Places, as they found neceſſary in the way of Advantage for War; ſo as *Mars* began to exerciſe his Power in ſeveral parts of the Kingdom, even to Blood, by Wreſtlings between the reſpective Partizans, when they met; as alſo by the Siege of *Warwick* Caſtle, by the Earl of *Northampton*, who ſoon after loſt his Life in the King's Service; and the Parliament itſelf then ſeemed to have aſſumed a new Nature, according to the Buſineſſes there agitated, which were only relating to the War. After ſeveral Skirmiſhes between Parties, the Armies came to face one another at *Edgehill*, in the Year 1642, whereupon enſued a Battle, and Notice being given at *Weſtminſter*, we were in continual Expectation of the Iſſue; and the Houſe being ſet in the Afternoon, there came a Meſſenger, who brought word, that the Parliament's Army was ſo worſted, as he himſelf ſaw the Earl of *Eſſex*'s Cannon ſeized by the King's Forces. This gave ſo great a Terror, as the Speaker *Lenthall* addreſſed himſelf to ſome of us, and uſed theſe Terms: "Gentlemen, you ſhall do well to ſend to his Majeſty betimes, to aſk Conditions, leſt, by delaying, you come too late to effect your Security." Such a Terror did the preſent Apprehenſion ſtrike into him, and many others; but it was not long before an expreſs Meſſenger came from the General himſelf, ſignifying, That he was Maſter of the Field, and had been once poſſeſſed of the Royal Standard. This gave freſh Courage; yet the Intelligence brought by the firſt Perſon was true; for the Parliament's left Wing had been routed, and their Cannon poſſeſſed; but, for want of Diſcipline, the Prevailers applied themſelves to plunder the Baggage, and ſo the other Part of his Majeſty's Army was borne down, and the Earl of *Eſſex* remained poſſeſſed

Conſcience, and ſuffered to do their weak Endeavours *againſt* their Sovereign, *for his Good*, under the Command of his Excellency; not doubting but they ſhall ſo learn the Uſe of of their Arms too; that they may be able to kill any Man within two Foot of the King's Majeſty and never *endanger* HIM, againſt whom they deſire not to be thought to bear the leaſt *Ill-Will* in the World: And that you declare and vote, that, after the ſhort Buſineſs in Hand ſhall be performed, your hopeful Petitioners ſhall be as good Scholars, as if they had continued at School, or in the Univerſity, and have the ſame Privileges and Abilities to preach and teach, as thoſe ſimple, lazy People, who, neglecting to join with you, in making theſe preſent *Diſtractions*, make no Advantages of the wonderful Things you have done, but, in Contempt of your Authority, live as if there were no Parliament:

And your Petitioners ſhall grow up and confirm themſelves to thoſe Principles of neceſſary and wholeſome Rebellion, which your grave Wiſdoms ſhall declare to be moſt agreeable to the fundamental Laws of this Kingdom.

Printed in the YEAR 1640.

poſſeſſed of the Field (or *Champ de Bagtaile*, as the *French* call it;) but with his Forces ſo broken, as the King's Army, having done their Buſineſs in forcing a Paſſage, purſued their Deſign, and marched forwards, which *Eſſex* termed a Flight, and ſaid, that, for want of Horſe, he could not proſecute his Victory, without a freſh Supply from *London*. And thus the Victory is pretended to on both Sides, and not without a fair Colour. Not long after this, the King, having refreſhed his Army at *Oxford*, marched with it towards * *London*, yet could not

* The Parliament now thought fit to agree to anAddreſs for Peace, which the King accepted,and appointed *Windſor* for the Place of Treaty; but, in the mean time, forced the Paſs at *Brentford-Bridge*; upon which both Houſes, in a Fit of Reſentment, voted that they would have no Accommodation; and it was at this Criſis, that the two following Speeches were ſet forth in Print, under this Title.

Two Speeches made in the Houſe of Peers, on Monday, December 19, *for, and againſt Accommodation. The one by the Earl of* Pembroke, *the other by the Lord* Brooke: *The latter printed by Order of the Houſe of Commons.* Hen. Elſinge, Cler. Parl. D. Com.

The Earl of *Pembroke's* SPEECH.

My Lords,

I HAVE not uſed to trouble you with long Speeches; I know I am an ill Speaker; but though I am no Scholar, I am an honeſt Man, and have a good Heart to my King and Country.

I have more to loſe than many of theſe who ſo hotly oppoſe an Accommodation: I will not forfeit my Eſtate to ſatisfy their Humours or Ambitions. My Lords, it is time to look about us, and not ſuffer ourſelves to be fooled out of our Lives, our Honours, and our Fortunes, to help thoſe Men, who, when their Turns are ſerved, will deſpiſe us; and begin to laugh at us already.

A Fellow here of the Town, an ordinary, ſcurvy Fellow, told me the other Day to my Face, that he cared not if I left them To-morrow: Nay, if all the Lords (except Three or Four that he named, and ſaid, he was ſure would not leave them) went to the King; they ſhould do their Buſineſs the better: Yet, my Lords, I think we have helped them: I am ſure they could never have brought it to this without us; if we had not joined with them, I think the People would not have followed the Houſe of Commons: Now they can do their Buſineſs without us: It will be worſe ſhortly if we do not look about us.

My Lords, we were told this Time Twelve-month, if we would put the Biſhops out of the Lords Houſe, no farther Attempt ſhould be made upon the Church: I am ſure I was promiſed ſo, by ſome who would be thought honeſt Men; and when I told them, it was reported, that they meant to take away Epiſcopacy, and the Book of Common-Prayer, they proteſted to me, That in the firſt they intended nothing but to appoint ſome godly Miniſters to aſſiſt the Biſhops in Ordination, and ſome other Things that I do not underſtand: And for the Book of Common-Prayer, they who were ſtricteſt againſt it, and would never be preſent at it, aſſured me, That if it were once confirmed by Act of Parliament (for they ſaid many Things were put into it by the Biſhops, without Authority) they would be content: And on my Conſcience ſo they would, if they had the *Places* they then looked for.

Now nothing will content them, but no Biſhop, no Book of Common-Prayer, and ſhortly it will be no Lords, no Gentlemen, and no Books at all; for we have Preachers already, that can neither write nor read.

My Lords, I wonder what we ſhall get by this War; we venture more than other Men; I am ſure I venture more than five Hundred of them; and the moſt I can look for, is to ſcape undoing; what between being a Traitor and being a Malignant, we have but a narrow Way to walk in: We hear every baſe Fellow ſay in the Street,

not do this with ſuch Expedition, but that General *Eſſex* was gotten thither before him: And the Citizens of *London* were ſo fearful of being plundered, as they came out unanimouſly for Defence; and ſo his Majeſty thought good to retreat to *Oxford*, which gave a Period to Action for that Year. Somewhat before the late Encounter near *Brentford*, the Houſe of Commons ordered me to go into the Street, as we paſs by in our Coaches, That they hope to ſee us a foot ſhortly, and to be as good Men as the Lords; and I think they will be as good as their Words, if we take this Courſe.

They ſay, they will have no Peace without Truth: Death! Have we no Truth? Have we lived all this while in Ignorance? I think our Fathers were as wiſe Men as they. Had we had no Truth in Queen *Elizabeth*'s Time? Have not all our famous, learned Divines been able to teach us Truth, but muſt we learn it only out of Tubs?

My Lords, I am no Scholar, but I underſtand Men; and I had rather continue ignorant ſtill, than enjoy the Truth theſe Men would have; I have ſerved the King's Father, and himſelf, and though I have been ſo unhappy to fall into his Diſpleaſure, Nobody ſhall perſuade me to turn Traitor: I have too much to loſe.

I am a true Proteſtant, and I love the King and Kingdom, and I am ſure War is good for neither of them. I would every body's Faults were forgiven them, and I think we ſhould all take heed how we committed new.

Good, my Lords, let us have Peace, and if theſe Men will not conſent to it, let us think of ſome other Way to get it!

The Lord Brooke's *Speech in Anſwer to the former; which is not in* Ruſhworth, *nor in any other Collection, that the Editor hath ſeen.*

My Lords,

SOmewhat that fell from the Lord who ſpake laſt, calls me up: He tells you what he was promiſed by ſome, that this and that Reformation would content them, and they would preſs no farther: Beſides the Converſation that we all know hath been between them, he invited you by his Eye to think a Noble Lord on the Viſcount's Bench [*Say* and *Seale*] concerned: 'Tis true, ſeveral Diſcourſes have often paſſed between them in my Hearing of this Buſineſs, and it is very like he did not uſually acquaint him with all his Thoughts. If he found he was not like to hold out to the End of the Journey, he was not to be blamed for deſiring his Company as far as he was willing to go; the other Part would be the eaſier performed by thoſe to whom the *Lord* hath revealed his Will. If he hath been made an Inſtrument of more Service to *God* and his Country than he intended, he ſhould rather thank the Means that cozened him to ſo much Good, than, becauſe his Faith fails in the Race, reproach them who firſt encouraged him to run. If he hath done nothing but what his Conſcience perſuaded him was juſt and fit, he hath no Cauſe to complain; if otherwiſe, I am ſure, nothing that my Friend ſaid to him, can be his Excuſe. He tells you much of what he hath to loſe, and into what Contempt the Nobility will grow, if there be not a ſpeedy Accommodation: And I fear theſe vile Conſiderations have hung Plummets on ſome of our Wings, which by this Time would have mounted us higher: But theſe are the Baits the Enemy of Godlineſs and true Holineſs flings in the Way, to diſcourage worldly Minds from fighting the good Fight of the *Lord*. We do not find that, among all the Acts of the Creation, the *Almighty* ever made an Earl, or a Lord: I will not deny but that ſometimes (not always,) the Hearts of Princes have been moved by Providence, to advance ſome Perſons to thoſe Degrees; and, ſurely, if we ſhall be contented, for the ſetting forward of a good Cauſe, to mingle ourſelves with the meaneſt of the People, for the procuring a Parity in the Church, to conſent to a Parity in the State; and for the ſubduing the Pride of Kings, for a Time, to part with the Power of Noblemen, I doubt not, but, when the good Work in Hand ſhall be finiſhed, we ſhall be again advanced above our Brethren, according to our ſeveral Talents, and govern them

the Country for which I ſerved, where I found all full of Terror; the common People generally apprehending, that the *Cavaliers* (as the *Royaliſts* were then called) were coming to plunder them. This Fear was artificially put into them, as I could eaſily perceive: For the Country was full of ſtrange Fictions of their inhuman Carriage in other Countries, and, being at my uſual Manſion, we had ſcarcely any Reſt (no not in the Night) for Meſſengers giving the Alarm; and the manner was to bring a Paper of Intelligence without any Subſcription, and this muſt be taken for Truth, without any farther Proof. Theſe Alarms generated ſtrange, wild, and indigeſted Propoſitions; ſuch as were not to be hearkened unto by any Perſon of Judgment and Experience; yet they were ſome way tending to the great Deſign of raiſing the Terror to a Height, and putting Arms into the Hands of Schiſmatical People, under the Name of Volunteers; and by thoſe means to form a new Power, to be diſpoſed of upon Occaſion in any Part of the Kingdom, without the Limits of their own Counties, as it came to paſs afterwards, when Major-Generals were eſtabliſhed. But ſince the King's Forces did not really make any Approach towards us, and ſince I had not accepted of any Command to oblige my Stay in the Country, I made my Return to *London*, and applied myſelf to my conſtant Courſe of attending in Parliament, where I found the State of Buſineſs ſomewhat altered: For General *Eſſex* began now to appear to the private *Cabaliſts* ſomewhat wreſty, ſo as they found it neceſſary to raiſe new Forces to be commanded leſs immediately by him. Upon this there was a kind of Army put under Command of Sir *William Waller* and Sir *Arthur Haſlerig*,

them according to that Rule which ſhall moſt advantage *God*'s Cauſe.

My Lords, that Lord ſhall not find Fault with me for concealing my Intentions; I will deal freely with him; I am, with all my Heart, againſt this Accommodation; againſt any Whiſper or Thought of an Accommodation, 'till His Majeſty ſhall ſubmit to our *Nineteen Propoſitions*, and to all the Propoſitions we have ſince made; and deliver up all thoſe wicked evil Counſellors, who have ſaucily told him, *'Tis lawful for him to deny us any thing:* I know we have many Difficulties to wreſtle with, and that many fall from us daily; they who have *much to loſe* (as that Lord ſaid) will be quickly weary of us; and yet ſome Men of good Fortune will not leave us: They who have a Senſe of Gratitude, of paſt Obligations, or future Hopes from His Majeſty, will be ſtartled at our Reſolution! Yet I ſee many here the moſt notoriouſly obliged, indeed as much as Servants can be to a Maſter, in this Cauſe; who have maſtered thoſe vulgar Conſiderations, and had the Courage almoſt to deſpiſe him to his Face: Beſides, the wiſeſt Men will not think themſelves incapable of future Favours, if they uſe their utmoſt Power to reduce him to a Neceſſity of granting: They who are tranſported with natural Affection to their Fathers and Brothers, Kindred, Friends, will not keep us Company: Yet this troubles me the leſs, whilſt I ſee thoſe noble Lords in my Eye (upon whom I can never look enough) who, baniſhing thoſe womaniſh and effeminate Fancies, chearfully undertook to ſerve againſt that Army, wherein they knew their *own Fathers* were; and, on my Conſcience (I ſpeak it to their Honour) had they met them alone, would *piouſly have ſacrificed* them to the Commands of both Houſes. They who think that human Laws can bind the Conſcience, and will examine the Oaths they have taken, according to the Interpretations of Men, will in Time fall from us: But ſuch who religiouſly conſider, that ſuch moral Precepts are fitter for *Heathens* than for *Chriſtians*, and that we ought to lead our Lives according to the Rule of *God*'s Word; and that the Laws of the Land (being but Man's Invention) muſt not check *God*'s Children in doing the Work of their

Haſlerig, whoſe Actions were afterwards as much cried up, as the General's were cried down. And then there were alſo *Ordinances* of Parliament, (which kind of Law grew now in faſhion) framed, and paſſed for conſtituting *Aſſociations*, whereof the *Eaſtern* was Chief, and much promoted by *Cromwell*, who founded his Greatneſs there; though for the preſent he was commanded by the Lord *Grey* of *Werke*, choſen Major-General of that Aſſociation, and placed in that Command, as a Perſon leſs active, and more to be wrought upon, than he afterwards proved to be; which made *Eſſex*, who had yet Power ſufficient to cruſh him, cauſe him (after about a Year's Service in that Command) to be ſummoned to his Attendance in the Lord's Houſe, with a Subſtitution of the Earl of *Mancheſter* in his Place of Major-General, being one of his own near Relations. The Houſe of Commons was employed in providing Money, without which they could have no good Effect of their Armies. Several ways were found, but no one (nor all of them together) anſwerable to their Occaſions. One was by Sequeſtration of Delinquents Eſtates, not excepting the King's own Revenue, which laſt yielded the beſt Supply, being managed by a Committee of Parliament; whereas they were enforced to uſe ravenous People in the Sequeſtration of private Eſtates, making a very ſlender Account to the Public, and converting moſt of the Profits to their own Uſe, whereof the Parliament was not in Condition to take much Notice at that time. Another way of raiſing Money there was, by requiring a twentieth Part of Goods, and a fifth Part of every Man's Revenue. This began upon Perſons diſaffected to the

their heavenly Father, will not faint in their Duty.

My Lords, it is a ſingular Inſtance of *God*'s Bleſſing upon this Parliament, that thoſe Truths, which the Pride and Superſtition of the Biſhops uſed all poſſible means to ſmother, are now taught in the Pulpits, that the poor People's Zeal to *God* may not be corrupted by their Duty to the King. By the *Chriſtian* Labour of thoſe painful Preachers, we ſhall not want Hands to bring all our Wiſhes to paſs: And let us not, out of any worldly reſpects of Eſtate, Wives, Children, Honour, Good-nature, Juſtice, Compaſſion, Care of Trade, or of Laws, grow ſlack and lazy in our Undertakings, upon the Succeſs of which the Eyes of *Chriſtendom* are fixed; but let us proceed to *ſhed the Blood of the ungodly*.

And ſo, my Lords, hoping that what that Lord hath *ſaid*, hath moved nothing with you, or the moſt of you; and that what he can *do* will prevail as little in other Places; I have expreſſed the Thoughts of my Heart to you; and if the Houſe ſhall incline that Way, ſhall deſire Leave to enter my Proteſtation againſt any Accommodation.

Wedneſday, the 21*ſt* of *Decemb.* 1642.

Reſolved upon the Queſtion,

That Mr. Boſwell *be deſired to wait upon the Lord* Brooke, *and in the Name of this Houſe, to give his Lordſhip Thanks for the excellent Speech he lately made in the Houſe of Peers, againſt an Accommodation, and to deſire his Lordſhip (ſince this Houſe is informed, that the Earl of* Pembroke *hath given many Copies of his Speech, which occaſioned the other) that he will cauſe that Speech to be printed and publiſhed.*

H. Elſynge, *Cler. Parl. D. Com.*

The Lord who uttered this ſtrange Mixture of great, ſhrewd, and ſavage Things, was killed at *Litchfield* by a Shot in the Eye in the Spring following: But as if his own invincible Spirit had ſtill animated his Men, they made themſelves Maſters of the Place they attacked, and took the Earl of *Cheſterfield*, who defended it for the King, with his whole Party, Priſoners.

the Parliament; but came at laſt to be a calling Dance, being made general; and herein both Parties did good Service, by giving complete Information concerning one another's Eſtates. But the laſt and ſureſt, was a monthly Tax for the Army, which was the firſt of that kind, and likelieſt to continue in being. And now the Caſe is wholly altered, for every Demand muſt be anſwered; there being Armies on foot, very well diſpoſed to conſtrain Payment in caſe of Refuſal. About this time, thoſe Perſons who had been nominated Committees in each County for Money-Matters, held Meetings, (in Imitation of the Covenanters Tables in *Scotland*) and took upon them the Deciſion of Buſineſſes relating to the County in general, but eſpecially as to the War, which comprized the Suppreſſion of the *Royaliſts*; and by this means they exerciſed an unlimited Power, being aſſured of Indemnity at *Weſtminſter*, for all things done in the way of Advantage to their military Affairs. While the Aſperities of War lay thus frozen up in Winter Quarters, it pleaſed his Majeſty to ſend the Earl of *Southampton*, and Sir *John Culpepper*, with a Propoſition for a Treaty of Peace; and a conſiderable Member of our Houſe made this Relation to me, of Mr. *Pym*'s Opinion concerning it. This Gentleman ſaid, he met Mr. *Pym* going into the Committee of *Safety*, and, deſiring a Word with him, aſked, if he knew the Subſtance of *Southampton*'s Meſſage, and what he thought of it? Mr. *Pym*'s Anſwer was, That he knew the Particulars, and praiſed *God* in his Heart; hoping that the Iſſue of it would be happy for the Kingdom. But it ſeems, that being entered into the Committee his Mind ſoon changed; for the General (with other Lords there) were abſolutely for the Refuſal of it, which was the Event of it alſo in Parliament, and not without ſome Harſhneſs in the manner; for *Southampton* and *Culpepper* would have delivered their Meſſage in the reſpective Houſes within the Bar, as Members, which was refuſed to them; and ſo their Meſſage being made known, and unanimouſly concluded unſeaſonable, by reaſon of the General's ſtanding yet (together with diverſe other eminent Perſons) declared *Traitor*, they both returned to *Oxford*. This may appear ſtrange, ſince the General was conceived to wiſh and labour for Peace; which may the better be believed, becauſe, after this Time, he ſent a Letter to the Parliament, to expreſs his Senſe of the Nation's miſerable Condition under a War; and to deſire, that there might be Propoſitions of Peace ſent to his Majeſty, (a Fault never to be forgiven by the private *Caballiſts*) which Deſire of reſtoring Peace continued with him even to his End, as was hinted in his funeral Sermon, wherein he was compared to *Abner*, who periſhed, being in ſuch a Deſign: But it is uſual for ſuch Perſons to diſlike all Pacification, ſaving what is procured by themſelves, wherein their own Intereſts are fully provided for; and it is very likely, that *Eſſex* would have had the Buſineſs to paſs chiefly through his own Hands; whereby we may ſee, how far a poor Nation may ſuffer by the Ambition of ſome principal Perſons. But howſoever it was with others, it is not to be doubted but ſome of the cloſe *Cabal*, rather than to yield to any Pacification, were diſpoſed to make uſe of the pious Intimation, delivered by a Miniſter, in a Faſt-Sermon preached before the Houſe of Commons, which was this: That *if they could not effect the deſired Reformation, yet it would be in their Power to break the Pillars; and, as* Sampſon *did, to pull down the Houſe over the Heads of their Enemies.* Yet, for public Satisfac-

tion, (the People being wearied with a War) it was always in Agitation, to bring the Buſineſs to a Treaty, though not without much Jealouſy on the Parliament's Side; which might be much encreaſed, by a Letter from a Lord at *Oxford* to a Commander in that Army, which became public, being intercepted, and contained theſe Words. *Do but cudgel them into a Treaty, and we ſhall do well enough with them.* Before drawing the Armies out in the Year 1643, there had been a hopeful Treaty of Peace; both Parties having tendered Propoſitions, and Commiſſioners being ſent to *Oxford* to treat; but this was ſoon rendered fruitleſs by the Parliament, who too far ſtraitened the Time of Treaty, and bound up their Commiſſioners by Inſtructions, obliging them, in the firſt place, to treat upon, and conclude, the Propoſition for diſbanding of the Armies, which could not be conſented to by his Majeſty, without Aſſurance firſt had, that the other moſt important Articles would be agreed upon. And ſo at this time the poor People were defeated of their Hopes; it being one of our *Cabals* greateſt Arts, to give way to a Treaty of Peace for public Satisfaction, and then to bring it to a Rupture in ſome plauſible way, as here it was upon the Article of diſbanding, which was a thing ſo much deſired by the People. This Year, 1643, Buſineſſes were tranſacted at *Weſtminſter* with greater Height than ever; for the Queen being returned to the King's Quarters with ſome Aſſiſtance, the Houſe of Commons aſſumed the Boldneſs to impeach her of High-Treaſon at the Lord's Bar; and, about the ſame time, both Houſes voted a new Great Seal to be made, which is the Inſtrument of royal Power far above all others; and the doing of theſe two things could not but much exaſperate his Majeſty: Yet their military Affairs were never leſs ſucceſsful; for the *Weſt* of *England* was wholly loſt, by the Defeat of the Earl of *Stamford*'s Army, and *Briſtol* forced by Prince *Rupert*. In the *Northern* Parts the Earl of *Newcaſtle* was prevalent almoſt wholly; and certainly had the King (inſtead of beſieging *Glouceſter*) marched to *London*, and the Earl of *Newcaſtle* (inſtead of beſieging *Hull*) forced his way into the *Eaſtern* Aſſociation, the War had come to a Period; but divine Providence had deſigned a more gentle End, and diſpoſed the Minds of the *Northern* and *Weſtern* Armies ſo, as they would not forſake their own Country, till they ſaw them cleared from all Oppoſition. The Parliament's Buſineſs being in this evil Condition, it was eaſily judged fit, to call in the *Scots*, which Matter being moved in the Houſe of Commons, and it being objected, that it would be fruitleſs to call them, without propoſing to them, at the ſame time, ſomething of great Advantage by it, there ſtood up preſently that great Patriot *Henry Martin*, and deſired, with much Confidence, "That an Offer might be made them, of the Counties of *Northumberland* and *Cumberland*; and in caſe they were not therewith contented, to add two ſuch other Counties in the *North*, as ſhould be moſt convenient for them." So little Care had he, in that Conjuncture, of the Honour and Advantage of the *Engliſh* Nation. This was juſtly thought extravagant; yet that Buſineſs of calling in the *Scots* being communicated to the Lords, there was a Committee of Lords and Commons nominated to go into *Scotland*; and Matters were ſo tranſacted with the *Scots*, as they entered into *England* with an Army the *February* following. I ſhould have related how in the former Year, after the King's retiring from Parliament, there was ſet up at *Weſtminſter* an *Aſſembly of Divines*, being an eccleſiaſtical

ſiaſtical Body of ſtrange Conſtitution, and compoſed of Perſons nominated by the Knights and Burgeſſes of each County, to which were added a ſmall Number, named by the Lords, and ſome few Commiſſioners deputed by the Kirk of *Scotland*. This Aſſembly being ſo extraordinary in the Conſtitution, was certainly deſigned to produce great Effects; but the Succeſs was not anſwerable; for they could never perfect their Model of Church-Government, not well agreeing among themſelves, by reaſon of the independent Members, who approved of no Church Diſcipline, other than Parochial; and even that Part of the Model, which was concluded upon with Approbation of Parliament, could never be put in Execution; the Preſbyterian Diſcipline being ſo ſtrict, as made it unpleaſing to moſt of the People; and eſpecially to thoſe of the Gentry, who found themſelves likely to be overpowered by the Clergy, even in the Places of their Habitation: But the Army, after it became new modelled, was wholly averſe to it. I conceive, the Intentions of calling an Aſſembly to have been theſe two: Firſt, to have a Synod of Divines concurring in the Subverſion of the Biſhops, and their Hierarchy; and in this the Parliament had their End fully, for the Matter very well pleaſed all ſuch Perſons as were earneſtly of their Party: And ſecondly, to agree upon ſome Uniformity in divine Service, which was the Ground of their *Directory*: But all Uniformity (or Colour of it) was diſtaſteful to the Independents; which became the growing Opinion, and at laſt ſo over-ſpread the Army, as the Sight of a black Coat grew hateful to them; and ſo the *Directory* fell to ground of itſelf. Theſe Aſſembly-men might well be diſcouraged, ſince Hopes were given at firſt, that the Lands of Biſhops, and of Collegiate Churches, ſhould be ſettled in ſome way, for the raiſing in all Parochial Churches a Competency of Means for the Miniſters; but the Neceſſities belonging to War expoſed theſe to Sale, and fruſtrated that Hope. I ſhould have related how the Houſe of Commons, finding the Pulpits filled with Perſons diſaffected to them, made a Breach upon the Lords in point of Judicature, and erected a Committee called of plundered Miniſters; and by this Committee they ejected the old Miniſters, and placed new at Pleaſure: But becauſe the Ejected had been poſſeſſed of a Freehold, the Committee ordered to his Wife and Children a fifth Part of the Profits, if Cauſe were not ſhewed to the contrary, which muſt be this, that the Perſon diſplaced was otherwiſe poſſeſſed of temporal Means ſufficient; and, to my Obſervation, there was ſcarcely any of the new-placed, who did not diſpute that Proviſion at the Committee. But it ſeems that this Committee could not diſpatch that Buſineſs faſt enough; for the Earl of *Mancheſter* was afterwards inveſted with a Power by both Houſes, to do the ſame thing within his Aſſociation, as alſo to reform the Univerſity of *Cambridge*, where he had the like arbitrary Power of Ejection. But the Parliament had a way of cementing their fluctuating Faction by religious Bands of Union, which certainly they found very effectual, though upon differing Grounds, or elſe they would never have had three of them in three or four Years Time, which I think is not to be parallelled in any other Revolt. The firſt of theſe was a Proteſtation in the Year 1641, which, being before the War began, took into it the Defence of his Majeſty's royal Perſon, Eſtate and Dignity. The ſecond was termed a *Vow* and *Covenant*, ſet on foot in the Year 1642; and this containeth no mention of the King, but in the way of forcible

forcible Oppoſition to him by proſecuting the War. And the third was, the *Scottiſh* Covenant, which again taketh in the Defence of his Majeſty's royal Perſon, but in ſo perplexed and complicated a way, as it ſignified little. And in this was alſo contained a total Abrogation of the Government eccleſiaſtical by Archbiſhops, Biſhops, *&c.* with the whole Hierarchy; ſo as this *Covenant* may be ſaid to have ſpoken perfect *Scottiſh*. The taking of the firſt and laſt of theſe in their proper Time, was preſſed upon the People in general with all Terror; and the *Vow* and *Covenant* (which related much to a particular Conſpiracy) only upon the Members of both Houſes: And certainly it was a very uſeful Policy, to engage the moſt conſiderable Perſons in theſe Oaths, and in other things rendering them odious to their Prince, and expoſing them to Confiſcation of their Eſtates upon Conqueſt, which could not but make them ſtick the more cloſely to common Defence. All the Time of this Parliament, it was the Deſign of our *Cabaliſts*, to abate the Power of the Lords Houſe; and, in Purſuance of that Deſign, at the very beginning, in *Strafford*'s Buſineſs, they prevailed to have the recuſant Lords deprived of voting there; and afterwards they had not Patience to ſtay till the Biſhops were excluded by the Ordinance, but took Advantage of a *Proteſtation* made by ſuch Biſhops, as then ſat in the Houſe of Lords, being about half their Number; and, to my beſt Remembrance, thus it was. Thoſe Biſhops having taken a Reſolution, not to continue ſitting long after his Majeſty's forſaking the Southern Parts; yet finding that there was an Ordinance coming for Abolition of their Order, which muſt paſs the Lords Houſe, they uſed their Endeavours to enervate that, which might be done in their Abſence; aud upon that Ground they entered a Proteſtation, ſubſcribed with their Names, againſt all ſuch Determinations to their Prejudice. This being become Matter of Record, the Houſe of Commons took Notice of it, and came up preſently with an Impeachment of thoſe Biſhops by Name, as guilty of a *Premunire*, in aſſuming to themſelves a Power, to invalidate that which is otherwiſe the Law of the Land, *viz.* the Juridiction of Parliament; and upon this Ground (how juſtly I know not, for the Matter was never brought to Judgment) thoſe Biſhops unhappily formed to themſelves a Deprivation, inſtead of a Withdrawing. By this Means, and by the Abſence of thoſe Lords, who withdrew themſelves to ſerve his Majeſty, the Houſe of Peers was grown ſo empty, as their Authority became little conſiderable, which was not much regarded by our Leaders in the Houſe of Commons, who (in all Likelihood) had at that Time a Reſolution, to diſſolve that Houſe, as it came to paſs afterwards. As great Aſſerters of Privilege of Parliament, as that Houſe of Commons pretended to be, yet they cared not how far they encroached upon the Lords, nor how they violated their Privileges, as may appear by a Meſſage delivered at their Bar, near the beginning of the Parliament, which was to this Effect: That the Commons found in that Houſe, ſo great an Obſtruction of Matters tending to the good of the Commonwealth, as they deſired their Lordſhips to make known the Names of ſuch Lords, as were the Cauſes of it, that they might be dealt with as Enemies to the State: So as in thoſe Days, the Houſe of Commons might properly uſe the *French* Proverbial Saying: *Je n'aime pas le bruit, ſi je ne le faits*, I love no Noiſe, but what I make myſelf. But their own Houſe began to be almoſt as much

much cried out upon for Paucity of Members; and for this they provided a Remedy ſufficient by the New Great Seal; and there was little Danger of bringing in evil Members, for no Writ of Election could be iſſued, but by Warrant from the Speaker, and Conſent of the Houſe, who would not grant it for Places, where the People were known to be diſaffected to the Parliament. By this Means the Houſe became pretty well filled, and many of the New Members were Officers of the Army, who had been ſo uſed to command, as, at the laſt, they found a way to command even the Houſe itſelf. Beſides this, the New Great Seal enabled the Parliament to conſtitute Judges, and to ſet up again the Courts at Common Law, as alſo to make what Juſtices of the Peace they thought fit, whereof there was very great want in the Parliament Quarters till then; ſo as now there were complete judicial Proceedings, both Criminal and Civil, which gave great Satisfaction to the People, and would have deſerved high Applauſe, but that all Men knew this Convenience to be raiſed upon a moſt unjuſt, and inſolent Foundation. Before this *recruiting* of the Houſe of Commons (as it was then called) the Military Affairs of Parliament were much advanced; for, by the Help and Countenance of the *Scottiſh* Army, his Majeſty's Strength in the *North* was ſo broken, as the Parliament had firſt beſieged *Newark*, and then the City of *York*; but both theſe Towns were very bravely relieved by Prince *Rupert*; and could that Prince have been contented, with the Honour of having effected his Buſineſs in the Diſſolution of thoſe Sieges, it had been happy: But he, as a Soldier, knew what a Fear uſually is attendant upon Armies in a Retreat, having been forced to forſake a Siege; and thereupon he gave the Parliament-Forces Battle at *Marſton-Moor*, and was defeated wholly; yet with ſuch a Confuſion on both Parts, as ſix Generals preſent in that Fight, were ſaid to take Wing at the ſame Time, conceiving their Party to be utterly overthrown, whereof General *Leſly* of the *Scottiſh* was one. This ſet the Parliament's Reputation very high in Point of Strength, and gave Opportunity to our *Cabaliſts*, of abating (or rather diſſolving) *Eſſex*'s Power, who, as they conceived, (and perhaps grounding their Conceit upon his Letter for Propoſitions to his Majeſty, in which Letter he alſo expreſſed much Care, that the Royal Perſon might be preſerved in Safety) had no mind to an utter Overthrow of the Regal Authority: So as when the Armies were withdrawn into their Winter-Quarters, our grand Politicians ſet themſelves upon the effecting of this great Work, which muſt have Influence, as well upon *Eſſex*'s chief Adhererents, as upon himſelf. The Manner of this critical Buſineſs was thus. It was affirmed in the Houſe of Commons as impoſſible, That the War could be brought to an End, by an Army that had totally loſt its Diſcipline; whereupon it was moved, and aſſented to, that a Committee ſhould be nominated, for Examination of Corruptions and Abuſes in the Army. This Committee ſat many Days, and was very full of Employment, till at laſt a Report was called for. Then aroſe up Mr. *Tate* the Chairman, with a great Bundle of Papers in his Hand, being a very great *Preſbyterian*; and little ſuſpecting that this Buſineſs would become the Ruin of his Party, as it did in Concluſion; he appeared unwilling to make the Report; but being preſſed to do it, he deſired, That the Houſe would firſt give him leave to ſpeak a few Words; and then he uttered his Parable, concerning a Man much troubled with Blotches and

and Boils, in ſeveral Parts of his Body, who had Recourſe to a Phyſician for Cure; his Doctor told him, that he could give him Plaiſters to cure any Part of his Body ſo diſaffected; but that whatſoever was healed in one Member would break out again in another; for the whole Habit of his Body was corrupted, and that if he would have perfect Health, he muſt procure for himſelf a better Habit of Body, by much Purgation with a new Diet, and ſo the Ulcers would be healed of themſelves. "This, ſaith Mr. *Tate*, is ſo applicable to the Buſineſs in Hand, as I hope the Houſe will find no need of a Report; and yet upon Command I am ready to make it." Hereupon other Members, who had prepared themſeves, ſpake againſt the Report, and ſaid, that abroad, out of Doors, all our ill Succeſſes were imputed to the Abſence of Members from Parliament; and then a Motion was made, That there might be a *Self-denying Ordinance*, by which all the Members of either Houſe might be deprived of other Employments, that diverted them from their Service in Parliament. This was very hard of Digeſtion to many Members, who had profitable Offices; yet for Public Satisfaction, and for better reforming of the Army, it was conſented to, that there ſhould be ſuch an Ordinance, which was afterwards brought in, and paſſed both Houſes. By this Means, *Eſſex*, *Denbigh*, *Mancheſter*, *Grey* of *Grooby*, Sir *William Waller*, *Haſlerig*, *Brereton*, *Cromwell*, and diverſe others were deprived of Command, though the laſt was never intended to ſuffer by this Ordinance, as it appeared afterwards: But notwithſtanding all this, *Eſſex* had not ſurrendered his Commiſſion, and therefore ſomething muſt be done to ſhew him a perfect Neceſſity. So the Houſe of Commons proceeded in Nomination of Colonels for their new Army, whereof Sir *Thomas Fairfax* was one, and at laſt he was voted to be General of it. He was a Perſon eminent for Valour, (*vaillant comme ſon eſpée*, fearleſs as his Sword) but of a Temper more flexible than *Eſſex*, and very many others, which pleaſed *Cromwell*, who meant to be the chief Steerſman. Not long after this, *Eſſex* finding himſelf *Imperatorem ſine exercitu*, a General without Command, ſurrendered his Commiſſion, with many Expreſſions of good Affection to the Parliament; and wholly bent himſelf to a Retirement; being the firſt Perſon, and laſt, of the Nobility employed by the Parliament in Military Affairs, which ſoon brought him to the Period of his Life: And may he be an Example to all future Ages, to deter all Perſons of like Dignity, from being inſtrumental in ſetting up a Democratical Power, whoſe Intereſt it is, to keep down all Perſons of his Condition! Yet they did him all poſſible Honour, in his Funeral, at the public Charge: So acceptable is an opportune Death! In purſuance of the great Deſign, all the old Commanders were wormed out by little and little, and none admitted to Commands, but thoſe Perſons who were known, not only to be of an Antimonarchical Spirit, but purely diſpoſed to the Army's Intereſts; which the Army found very uſeful afterwards, when it began to contend with the Houſe of Commons for the Sovereign Power. By this it may appear, how ſupinely negligent the Parliament was, in forbearing to mould the Army, with ſurer Dependence upon itſelf; which might have been effected in the Nomination of Colonels and chief Officers at firſt, if Care had been taken for Choice of many Perſons, who were reſolved to ſtand and fall with their Intereſt; ſuch as were Colonel *Harley*, and Sir *Robert Pye*, who forſook the Army, when it

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oppoſed itſelf to the Parliament, and for want of Aſſociates could effect nothing, but their own Prejudice. As ſoon as this new Army began to move, it was thought neceſſary by the Houſe of Commons to ſend *Cromwell* to them, who was there not only received, but intruſted with the Command of all the Cavalry, by the Title of Lieutenant-General, there being then no General of the Horſe. This Army had but ill Succeſs at firſt, having laid Siege to *Oxford*, and failed, when, in the mean Time, the King with a brave Army had taken *Leiceſter* Town, and ſtruck a great Terror into all the Parts adjacent. But all this was uſeful only to bring on a greater Misfortune; for General *Fairfax* drew his Army that way; and the oppoſing of his Paſſage, brought on that fatal Battle of *Naſeby*, where there was ſo abſolute a Defeat of his Majeſty's Forces, as the After-ſtrivings were but as labouring for Breath, by a Perſon not long before his Deceaſe. After this *Oxford* was beſieged again, and yielded by Treaty, which was followed by a total Diſſolution of all his Majeſty's Military Power. Yet the King eſſayed to engage a powerful Army for him, which was that of the *Scots* at *Newark*; and that he might the more endear himſelf to theſe, he put his Royal Perſon wholly into their power. At firſt the *Scots* carried themſelves, as if they attended to appear worthy of ſo great Confidence, for they preſently marched *Northwards*. The Parliament gave no Time to conſider, but made a peremptory Demand, to have the King's Perſon delivered to them, and had the help of *Themiſtocles*'s two great Gods *Vis & Suada*; the Terror of a victorious Army ready to fall upon them in Caſe of Refuſal, and by way of Perſuaſion, a Repreſentation of their Duty, that Army being then in the Parliament's Pay, and obliged to act only in their Service; to which, with many other Reaſons, was added a Promiſe of their Arrears, by very ready Payment. The firſt of theſe was more likely to give Offence, than Terror, to ſo powerful a Body; and as to that pretended Duty of the Army, it could not extend itſelf to the extinguiſhing of natural Allegiance, which is a Duty Perſonal: But whatſoever Arguments were uſed, the *Scots* conſented to deliver him, and performed it to their eternal Infamy; which Infamy is much encreaſed by a Breach of Truſt; (for having received his Majeſty, they ought to have ſet him in a State of Freedom, as good as he had when he came) and becauſe the contracting for Money makes the Buſineſs appear, as a Sale of their Sovereign Prince. Soon after the King's Forces were wholly diſperſed; the Army being without Employment made Buſineſs for itſelf, by interpoſing in public Matters appertaining to the Government, which was begun by a mutinous Accuſation of Mr. *Holles*, with other Members to the Number of Eleven *, and a drawing up of the Army *Southwards*; whereupon the Parliament ſent Commiſſioners to them, to expoſtulate about their Remove *Southwards*, and to promiſe all reaſonable Satisfaction in general Terms: But nothing would ſerve, without the Excluſion of thoſe Members from the Houſe of Commons. But I ſhould have related, how, upon Delivery of the King's Perſon, the Parlia-

* Sir *S. Stapleton*, Sir *W. Lewis*, Sir *J. Clotworthy*, Sir *W. Waller*, Sir *J. Maynard*, General *Maſſey*, *Glyn*, Recorder of *London*, Col. *Long*, Col. *Harley*, and *A. Nichols*, Eſq; The Charge againſt them was for obſtructing the Buſineſs of *Ireland*, acting againſt the Army, as alſo the Laws and Liberties of the People, obſtructing Juſtice, *&c.*

ment placed him at *Holdenby-Houſe*, with a Guard of Soldiers, and a Committee of Lords and Commons to attend him, and to order Matters there for his Security: At this the Army ſeemed to take Offence, diſliking the Choice of Commanders for his Guard: But ſurely their main Intention was, (ſince now an Oppoſition to the Parliament was deſigned) to have the Royal Perſon only in the Power of the Army; and thereupon they ſent a Party to take him from *Holdenby*, which was effected without the leaſt Oppoſition; and ſo they held his Majeſty with (or near) the Army, till, being at *Hampton-Court*, the chief Officers grew jealous, that his Reſidence with the Soldiery might have an Influence, endangering the Power of them, the Commanders. At this Time, *Cromwell*, who was the chief Manager of Affairs in the Army, carried himſelf with ſuch Reſpect to his Majeſty, as his Party grew highly jealous of him; inſomuch, as *John Lilborn*, the great Leveller, offered a kind of Accuſation againſt him, at the Bar in the Houſe of Commons, whereunto there was little Ear given by the Houſe in general; but thoſe, who abhorred all Reconciliation with his Majeſty, remained unſatisfied, and began to complain bitterly of him one to another, as a Perſon perfidious; but their Fear was cauſleſs; for he never intended to be an Inſtrument of ſo much good to the Nation, and therefore his Courtſhip muſt be thought to have have had ſome other Intention, which may be gueſſed at by that which followeth. While the Army lay about *Hampton-Court*, the Houſes were informed, that the King had made an Eſcape from thence, and that the chief Commanders were very much diſtracted with the Thought of it. This was very well diſſembled, ſince it ſoon appeared, that the King had been perſuaded to withdraw himſelf, and was never fully out of their Power, for being quickly ſeized upon again, they placed him (according to their Hearts Deſire) in the *Iſle of Wight*, where there could be no Addreſſes made to him, but by their Permiſſion. Yet here the Army was content the Parliament ſhould have the Honour, that his Majeſty's Perſon ſeemed to be in their Cuſtody; for the Guard and Care of him was referred to a Perſon nominated (or at leaſt approved of) by them, who was Colonel *Hammond*. And now the *Engliſh* Nation (though all too late) was grown ſo generally ſenſible of their Prince's diſtreſſed Eſtate, as it drew on a Treaty, at *Carisbrook* Caſtle in the *Iſle of Wight*, where the King had his forced Reſidence, called the *Perſonal Treaty*, becauſe none were admitted to be preſent at the Debate, but the King himſelf, and the Commiſſioners of Parliament. It is true, that the King might retire at any time into another Room, to adviſe with Divines and others, being Perſons of his own Choice; but they were not admitted to be preſent with him for Aſſiſtance in the Debate. The Terms were of very great Diſadvantage; yet the King carried himſelf even to the Admiration of the Commiſſioners. I remember, that it happened after the Report had been made in the Houſe of Commons, as we paſſed through *Weſtminſter-hall*, that one of us was ſpeaking of his Majeſty's great Abilities in the hearing of one of our Grandees, who turning his Face to him who ſpake, uſed theſe Words: "I perceive, you take Notice of the King's great Abilities, and you may thence "conclude with yourſelf, that you have the more Cauſe to take heed of him;" which Speech I could not but find very ſtrange, as if it were dangerous to a Nation, to be governed by a Prince of Parts extraordinary. But this Treaty had

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the like Iſſue with others; though the Unſatisfactorineſs of the King's Conceſſions could not be voted in the Houſe, as it was then conſtituted, which cauſed a new Purgation of it by the Army. Before this *Perſonal Treaty*, the Parliament for a long Time was enforced to take for Payment, whatſoever Reaſons the Army-Officers were pleaſed to tender for their Juſtification; but in the Year 1647, the Army was grown to that Inſolence, as the *Presbyterian* Party in Parliament thought it unſufferable; and thereupon they took Heart, and, having made ſome reſolute Votes, ſent a Committee of both Houſes to the City of *London*, to engage them in an Oppoſition to the Army together with the Parliament; but there was then as great a Schiſm (or Rent) in the City, as in the Parliament; and the Borough of *Southwark* ſiding wholly with the Army, it was impoſſible for the City to ſtand out againſt it, ſo as that ill-grounded Oppoſition fell wholly to the Ground; and the Speakers of both Houſes (who eaſily foreſaw the Iſſue, and together with many other Members had made an Eſcape to the Army) returned triumphantly to *Weſtminſter*; and the Army, with much greater Triumph, marched in a Body quite through *London*, and by Means of this Oppoſition, became more eminently powerful than ever. And thus the great City of *London* was made to ſtoop: And it may be obſerved in this Buſineſs, (taking it wholly from the Beginning to it's happy Concluſion) that all other Perſons and Parties, which had been much cried up for eminent Power, were brought low; as the great Favourites in Church and State, the *Scottiſh* Armies, the Houſes of Parliament, and the Royal Sovereign himſelf, whom it pleaſed *God* to humble even unto violent Death, as it was with his (and our) Bleſſed *Saviour*: And as for this triumphant Army, with it's brave and politic Commanders, Divine Providence reſerved it and them, to an utter Diſſolution, (as to that great Power wherewith they ſo afflicted the World) which came upon them at laſt, though with leaden Feet. And to ſhew unto thoſe inſolent Commanders of the Army, the Unſtableneſs of their Condition; it pleaſed *God*, before this *Perſonal Treaty*, that there was a ſtrong Deſign laid, to draw on a total Change of Affairs, by Inſurrections in diverſe Countries, and a freſh coming in of the *Scots*, who now began to underſtand themſelves better. Yet, as is uſual in Matters, wherein ſeveral and diſtant Parties undertake together, theſe could not hold Time one with another; ſo as ſome were otherthrown, before others appeared to ſtir. But as preparatory to theſe Troubles, the Parliament by a juſt Judgment of *God* (as a Return for their own Miſcarriage in the ſame kind) was much diſquieted with tumultuating Petitioners from *Surrey*, *Kent*, and other Counties, who carried themſelves with ſuch Violence, as ſome of the Petitioners loſt their Lives, by the Guard which attended in the new Palace-Yard; and the Loſs of theſe Perſons was ſo ill reſented abroad, as *Kent* ſuddenly aroſe in a great Body for the King, and had *Eſſex* held Time with them, it might have ſomewhat diſtracted the Army: But the *Eſſex*-Men ſtaid, 'till the *Kentiſh* Strength was broken at *Maidſtone*, and then began to ſtir; whereupon the Remainder of the *Kentiſh* Men croſſed the *Thames*, and came into *Eſſex*; where not being able to reſiſt a complete Army, the whole Party of both Counties was conſtrained to retire into *Colcheſter*-Town, and was there beſieged by General *Fairfax*, and enforced to ſurrender for Want of Proviſions. About the ſame Time, the Earl of *Holland* made a Party, and took Arms on the other ſide of *London*; but

finding no Assistance from the Country, he retired *Northwards*, after some Damage received; and being pursued by Forces sent by the Army, his Party was routed at *St. Neots* in *Huntingtonshire*, and he himself then taken Prisoner. Neither had the *Scots* under Duke *Hamilton* any better Success; for *Cromwell* having gathered together * a *competent* Force, fell upon them in their Quarters, when they had scarcely heard of him; and he cannot be said to have routed them, for they were never suffered to *gather themselves into a Body*; so as all that great Army fell to nothing, without making the *least Opposition* in any considerable Number; and in the Pursuit the Duke their General was also taken † Prisoner. Now the Army, having once more cleared the Coast, had good Leisure to fall into Mutiny again; but it was against the Parliament, and not against their Officers, who made use of the common Soldiers, to demand Justice (as they called it) against the King, and for whatsoever else they, the Officers, had in their Desires; and for this they found out a new and unheard of Way, giving the Soldiers leave to chuse *Agitators*; being Substitutes, receiving Denomination from agitating their Businesses, which then consisted only, in medling with Affairs concerning the public. These Persons were busy-headed Fellows, pointed out by the Officers, but elected by the Soldiery, and held their Assemblies, wherein they questioned all Parts of the Government, and proposed what new Models they thought fit. This made the People in general almost mad, fearing that all would fall into absolute Confusion; but the Army-Officers meant no such Thing, as parting at this Time with their old Masters, who had not yet done all their Work, and who would be governed, as they knew by Experience, which perhaps a new and more numerous Representative Body would not have endured; and therefore they resolved only upon the *Seclusion* of all those Members, whom they had found to be principled opposite to their Interest; and so, having had good Trial upon our great Debate concerning the *personal Treaty*, and Time to make a Catalogue of such Persons Names, as they intended to seclude, during one Day's Adjournment made by the House, after having spent a whole Night in that Debate, they sent their *Red-coats* early in the Morning before the next sitting, who passed the Streets with great Cries, and so possest themselves of the House of Commons Door, admitting only those Members, whose Names they found not in their Catalogue, and seizing upon many of the rest who would have entered. I question not, but upon this Occasion (as upon all others of great Importance) they held a solemn Fast among the chief Commanders, to ask Counsel of *God*, for the doing of that which they themselves had already resolved upon, which (if I deceive not myself) is one of the greatest Hypocrisies that the World hath known. The House of Commons being thus moulded according to their Desire, they presently fell upon the Formalities of that most hideous (and not to be parallell'd) Murther of our Royal

* According to *Cromwell*'s own Account sent to the Parliament, his Army consisted but of 8600 Horse and Foot; whereas the *Scots* and their Auxiliaries, amounted to 14600 Foot, and 6500 Horse: The Dispute lasted four Hours, was several Times renewed, and always to the Disadvantage of the Latter, of whom about 2000 were slain in the Battle and Pursuit, and about 12000 were taken Prisoners.

† He was afterwards beheaded, together with the Earl of *Holland*, and Lord *Capel*.

Royal Sovereign, and upon the Buſineſs of putting down the Houſe of Lords, with Intention to eſtabliſh a perfect Democracy among us. But *God* hath preſerved us from ſo unhappy a Change: As for myſelf, being one of the ſecluded Members, I, from that Time, retired me wholly from public Affairs, till a farther Call, which by *God*'s Mercy I lived to ſee, and had the Happineſs to be a Member even of that Houſe of Commons, when all was diſpoſed there for a perfect Reſtitution of the ancient Government under our moſt gracious Sovereign *Charles* the Second, whom *God* preſerve long in Proſperity for his Service, and for the Happineſs of theſe Nations. And here I end this Diſcourſe; leaving it to better Pens, to ſet forth the Continuance of that Anarchy, and the miraculous Ways of Divine Providence, in reſtoring us to our Sovereign Prince, and to our fundamental Laws, without Effuſion of one Drop of Blood in the military way.

A SHORT ADDITAMENT.

SINCE the finiſhing of this Diſcourſe, I have conſulted the Hiſtories of ſeveral Natio s, to ſee, if I could meet with any thing running parallel to the Raiſing and Iſſue of this War; but I have abſolutely failed of doing it. It hath been uſual for Senates to take Part with a Power already raiſed by Perſons aſſuming the Sovereignty; ſo it was with the *Roman* Senate, when *Galba* had prevailed againſt *Nero*; and that Senate went farther than any other within my reading; for they proceeded to a capital Sentence againſt their Prince; but it was not till the Imperial Dignity was in a manner poſſeſſed by *Galba*; and the military Power was ſo far from being raiſed, or directed by themſelves, as they durſt not give the leaſt Countenance to it, till *Nero* was abſolutely run down. That which cometh nearer to us, is a levying of War by the *Roman* Senate againſt *Julius Maximinus* the Emperor; but at the ſame Time they inveſted *Pupineus* and *Albinus* with the Imperial Purple in Oppoſition to him, and claimed no Sovereignty in themſelves; which ſetting up of Emperor againſt Emperor was a thing very frequent among the *Romans*. In theſe later Times, there have been diverſe Rebellions againſt Princes, wherein Senates have been concurring, but have not originally formed the Oppoſition. So in the united Provinces of *Belgia*, Armies were firſt raiſed by particular Perſons, or Places; and the States (or Deputies of Provinces) afterwards approved, and concurred: And the Parliament of *Paris* adjoined itſelf to the *Leaguers* (or *Covenanters*) againſt the two laſt *Henries* of *France*; but that Parliament's Actions are little to our Purpoſe; for they are to be looked upon as no more than a ſtanding Court of Judicature, wherein the Peers of *France* are privileged to ſit at Pleaſure, and having Juriſdiction only in ſome Part of the *French* Dominion; (except in Caſes of Appeal) and beſides this, the War was neither begun, nor managed under their Authority. In *Scotland*, an Aſſembly ſtiled Eccleſiaſtical, (though comprizing Lay-perſons) was convocated by King *Charles* the Firſt; and they continued their Seſſion after his Majeſty's Act for their Diſſolution, aſſuming to themſelves a Power independent upon him; but I never read, that they made any Order for raiſing of military Forces for Maintenance of their Decrees, though

though it was otherwiſe done againſt his Majeſty. In our Chronicles there is Mention of diverſe Kings depoſed, even by Parliament; but thoſe Parliaments did it in Compliance with a Strength already in being; and they no ways either directed or concurred in raiſing that Power. Thus have I raked together out of ſeveral Hiſtories much Filth, but none of ſo bad Savour, as that contracted by our Long Parliment. There are ſome Particulars of Aggravation againſt that Aſſembly, (I mean chiefly the Houſe of Commons, who, for the moſt Part, ſpurred the Lords into Action, as to Things irregularly done) which are not applicable to any of thoſe in foreign Hiſtories: As *firſt*, that they levied War againſt their Prince in their own Name. *Secondly*, that they were aſſembled by the King's Writ, to adviſe him in his Affairs, and therefore ought not to have acted againſt him. *Thirdly*, that they were limitted by the Terms of that Writ, and in that reſpect ought not to have exceeded thoſe Limits. *Fourthly*, that they were Repreſentatives of the Commons, and (though they would be otherwiſe exorbitant) ought not to have done Things prejudicial to them, and contrary to the Mind of their major Part, as certainly they did, in levying of War, and in thoſe things which enſued thereupon. And *laſtly*, they aſſumed a Juriſdiction upon the King's royal Perſon, without the leaſt Colour of Right, by making Subſtitutes (ſtiled by them a High Court of Juſtice) to arraign him as a Delinquent, and to proceed capitally againſt him, even to Death itſelf; whereas he alone was the Fountain of all Juſtice within his Dominions, and nothing of that Nature could regularly be done againſt the meaneſt Perſon, but by virtue of Authority, or Commiſſion from him. And all this when he was ſtill acknowledged to be their King; for he was ſo ſtiled *in terminis* at the Arraignment. This is far beyond what hath been formerly done by any other Body of Men; and is of ſo odious a Condition, as pity it is, there cannot be a total Obliteration of it, to prevent any Tranſmiſſion to Poſterity. It hath been hinted herein, that the levying of War againſt the King was diſpleaſing to the People in general; yet partly by Terror, and partly by Hope of Advantage, the moſt powerful Part of the Nation was made inſtrumental in it; and this may the better be believed, becauſe many of the moſt important Buſineſſes tranſacted in that Parliament were (upon a weaker Conſideration) carried on, contrary to the Judgment of the major Part of that Houſe of Commons. (I intend the Senſe of the Houſe, as it was conſtituted at firſt; for, to ſpeak of it otherwiſe, were like making a Coat for the Moon, which is never of the ſame Dimenſions, but either increaſing or decreaſing.) This ſeemeth a Paradox; yet thus much I can ſay by Experience, for the Truth of it, that oftentimes very many Members, of thoſe who ſat near me in the Houſe, gave their Voice the ſame way that I did upon putting the Queſtion; and yet upon Diviſion of the Houſe they were aſhamed to own it; for then they aſſociated themſelves with our great Managers of Buſineſs in the way of Oppoſition to his then Majeſty. Of ſo great Force is the Deſire of Popularity with too many, which could not but have a very great Influence upon Matters of greateſt Conſequence, that were uſually determined without any great Diſparity in the Votes. Yet were not Buſineſſes always carried on in the Houſe, according to the Mind, and intended Order, of the leading Perſons; for the Buſineſs of that Proteſtation made in the Year 1641, had been taken into Conſideration at a private Meeting of the Grandees,

dees, and was there concluded to be unſeaſonable. Yet *Henry Martin*, being unſatisfied with their Determination, moved it the next Day in Parliament, and found the Houſe ſo diſpoſed, as a Vote was preſently paſſed for a Proteſtation, which was afterwards worded by a ſelect Committee, and approved of in both Houſes: And to this the Leaders would not oppoſe themſelves, though they conceived it to be improper at that time. Having herein inſinuated the different Conſtitutions and Inclinations of that Houſe of Commons, I may demonſtrate it by particular Reſolutions, in the Caſe of this *Henry Martin*, who, as well by that of the Proteſtation, as by ſome other Succeſſes in the ſeditious way, being exalted in Mind, adventured to caſt himſelf upon a Rock; and thus it was: When it had been ſome ways expreſſed in the Houſe, that the Good and Happineſs of this Nation depended upon his Majeſty's Safety, and the Continuance of the royal Line, *Henry Martin* ſtood up, and *affirmed it to be a Miſtake; for (as he conceived) this Nation might be very happy, though the royal Line were extinct.* Upon theſe Words he was preſently queſtioned; and, after ſome Debate, voted out of the Houſe, and he continued long under that Excluſion: But the War being begun, and carried on, it was conceived, that *Henry Martin* might do good Service, as a Member, and ſo his Reſtitution was moved for; but Anſwer was ſoon made, that he was a Perſon dead civilly, and could not be reſtored to Life: Hereupon young Sir *Henry Vane* (one of the Oracles of thoſe Times) aroſe and ſaid, "That the Matter was very eaſy to be effected, by ex- "punging out of the Journal-book that Order, whereby he had been caſt out; and "that the Houſe was ever underſtood to be Miſtreſs of her own Orders." This was found ſo ready a way, as the Matter was preſently determined; and *Henry Martin* having Notice, came into the Houſe again, diſpoſed to do farther Miſchief. And that the Houſe was otherwiſe diſpoſed, before the Members, who fully embraced the royal Intereſt, had forſaken the Parliament, may appear by the difficult ſaving of Sir *Henry Ludlow*, who thus expoſed himſelf to Danger. The Houſe had newly received a Meſſage from his Majeſty, which was ſo far from being ſatisfactory, as many Perſons ſpake againſt it with much Vehemency; and among the reſt Sir *Henry Ludlow*, who very reſolutely uſed theſe Terms: *He who ſent this Meſſage is not worthy to be King of* England; upon ſaying this, he was immediately interrupted, and the Words that were ſpoke agreed upon preparatory to a Charge; but before his withdrawing, in order to a Cenſure, Mr. *Pym* aroſe, and ſaid, That thoſe Words contained nothing of Diſhonour to the King, which being found very ſtrange, he thus cleared his Meaning. "If theſe Words be ſuch as a fair Concluſion is naturally deducible from "them, then they cannot be evil in themſelves; but that a fair Concluſion na- "turally ariſeth from them, may be proved by Syllogiſm. He who ſent this "Meſſage is not worthy to be King of *England*; but King *Charles* is worthy "to be King of *England*; therefore King *Charles* ſent not this Meſſage. "Now, (ſaith Mr. *Pym*) I leave it to Judgment, whether or no this Syllogiſm "comprize any thing in it worthy of Cenſure." This Argument was ſo ingenious, as Sir *Henry Ludlow* (with his ill Meaning) came freely off without Puniſhment; whereas thoſe Members, who were of the Royal Party, found no ſuch effectual Interceſſions, but were ejected many in a Day; and the Houſe was repleniſhed again with Soldiers and other Perſons (moſt of them) of a tri-

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bunical Spirit and Temper; ſo as no wonder it is, that a Body ſo fallen from it primitive Conſtitution, having contracted ſo much evil Habit, and proſtituted itſelf to the Embraces of an inſolent and rebellious Army, governed by Commanders highly ambitious, ſhould yield Births of ſo horrid and prodigious a Nature, which (as we hope) ſhall never be parallelled in any future Age. And now, it is more than Time to conclude alſo this ſupplemental Diſcourſe, which is become greater than I myſelf at firſt intended.

Spicas aliquot legi, meſſem validioribus linquo.

Note, This Piece was purchaſed out of the Earl of *Oxford*'s Collection: And underneath theſe Words, in the Title Page, *By a Perſon of Honour*, was added, with a Pen, LORD NORTH.

Some Advertiſements for the new Election of Burgeſſes for the Houſe of COMMONS.

ANNO 1645.

[*That Paſſage in the foregoing* Narrative *which treats of the* recruiting *the Houſe of Commons, will ſufficiently explane the Occaſion of the* New Election *here intended: And as to theſe* Advertiſements, *as they are called, tho' the Author of them was unknown, they made ſuch an Impreſſion on the Public, that* John Cooke *of* Gray's-Inn, *ſo noted afterwards for his acting as Solicitor in the Trial of King* Charles I. *thought it a Matter of Conſequence to the Profeſſors of the Law, to ſet forth a long and laboured Anſwer to them; which he dedicated* To the moſt High and moſt Honourable Courts of Parliament, the ſupreme Judicature of this Kingdom, *with the following remarkable Addreſs: "Moſt "Honourable and moſt Religious Lords and Commons, from whom the King's "Majeſty can no more be divided in his Capacity Politic, than the Head from "the living Body Natural."*]

IN this great and weighty Buſineſs of electing fit Perſons to fill up the *much decayed* Houſe of Commons, I will beſtow upon my dear Country an Admonition for rectifying their Judgments: My Admonition will be twofold: Upon the Firſt I will not inſiſt, becauſe it is ſufficiently treated of by * Mr. *Withers*. It is againſt electing ſuch Men whom Fools admire for their *Wealth*. The ſecond Part is againſt chuſing ſuch Men, whom Fools admire for their *Wit*, *Lawyers*. This Ulcer muſt be thoroughly handled.

When

* Vox Pacifica.

* When *Rome* was in her Integrity, the great Men ſtudied the Laws, and pleaded the Cauſe of the Poor without Fee, *Jure Clientelæ:* Every eminent Man having many Hundreds, nay, ſome Thouſands of poor Men under their Protection, for whom they did, *reſpondere de jure*, make defence in Law. This was a mutual Obligation of common Charity; and theſe unfeed Patrons were juſtly ſtiled, *Sacerdotes Juſtitiæ*, Prieſts of *Themis*, the Goddeſs of Juſtice. But afterwards, *Cum abundantes divitiæ deſiderium invexere per luxum atque libidinem pereundi perdendique omnia:* When abundant Wealth brought in Luxury, to afflict the Manners of the Commonwealth, they grew into Corruption with the Times, took Fees, and became *viles rabulæ*, Hackney Petty-foggers, and Huckſters of the Law.

Now, though *our* Lawyers were never in that State of Innocency, to practiſe without Fee, yet were they never in that height of Corruption, and unlimited Way of Gain, they are now in. I have heard old Men ſay, they remembered when Lawyers, at the Beginning of a Term, would ſtand at a Pillar in *Paul's*, *Temple-Bar*, the Corner of *Chancery-Lane*, and other Avenues, attending the coming in of their Countrymen, with Cap in Hand, courteouſly ſaluting them, and enquiring what Buſineſs brought them to Town; not much unlike Watermen plying for a Fare. But now they are grown to that height of Pride, that a Man can hardly (after long Attendance) come ſo near a great Lawyer's Study-Door, as to bid *(God ſave him)* without a Fee or Bribe. Nor are their Fees of mean Value; Three Pounds, Five Pounds, Six Pounds being uſual, even for making a Motion of five or ſix Lines: and if he be a Lawyer *interioris admiſſionis*, a Privado or Favourite, ſo much is well given to buy his Silence, that he appear not againſt you. O Miſery! Poor Men cannot go to the Price of Juſtice, and Rich Men are oft undone by buying it. †Nor is it an unuſual thing for a Lawyer to be of Council with one Party, and to prevaricate, and be of Confederacy under-hand with the adverſe Party. By theſe Means, though there are ſo many Lawyers (beſides Attorneys, Clerks, and Sollicitors, to ſpring Game for them) that they can hardly live one by another, that the Multitude of Profeſſors ſcandalizeth the Profeſſion, and oppreſſeth the Commonwealth, yet many of them riſe from nothing to great Eſtates; Five Thouſand Pounds, Six Thouſand Pounds, nay, Ten Thouſand Pounds, Twelve Thouſand Pounds Land by the Year, (to the Admiration and Deteſtation of Foreigners) and purchaſe Baronies and Earldoms. But this bought Honour, is *Honour* the *Whore*, not *Honour* the *Virgin:* And this is an evident Demonſtration of a decrepid Commonwealth, when theſe *neceſſary Evils* do ſo increaſe and multiply upon us.

* *Dion. Halicarn.* l. 2. *Livius* l. 1. *Plutarch in Romulo.* The like was uſed amongſt the *Theſſalians*, who called theſe kind of Clients, *Peneſtæ*. And amongſt the *Athenians*, who called them *Thetæ*, *Lazius. Comment. Reipub. Rom.* lib. 12. c. 3. *Dempſter, Antiquitatum Rom.* lib. 1. c. 16. 17. *Car. Sigon.* de Antiquo Jure Civium *Rom.*

† Prevarication was ſo deteſtable to the *Roman* Patrons, when they took no Fees, that by the *Decemviral* Laws, it was enacted; *Patronus ſi clienti fraudem fecerit ſacer eſto.* But when they practiſed for Fees, all-corrupting Money taught them to ſell their Faith, and betray their Clients. *Claudian in Ruffin.* Profert arcana, Clientes fallit. *Walter Norborne.*

us. Nor do our Lawyers practiſe any thing more, than to pleaſe their more litigious Clients, by evading Laws and Statutes with intricate Pleadings, Miſconſtructions and Delays; and where they fail, by enervating the Laws, under a pretence of Equity in Chancery. This Court was originally *Officina Juris*, the Work-houſe where Original Writs were made; it received Inquiſitions and Offices *poſt mortem*, and dealt in ſome other Buſineſſes aſſigned to it by Acts of Parliament: And the Lord Keeper, or Chancellor, had the keeping not only of the King's Great Seal, but of his Conſcience alſo; and did Right to many Men, upon Supplication to him of Wrong and Torts done them by the King's immediate Officers, or Tenants; over-ruling that Law-Maxim, *The King can do no wrong*, where Equity (ſharper ſighted than the Law) ſaw a wrong. * But, *very few Ages ſince*, the Lord-Keeper (under Pretence of keeping the King's Conſcience) takes upon him to have an Oar in every Man's Boat, a Conſcience in every Man's Caſe but his own; and exerciſes a *Pretorian* Power, *ſecundum Æquum & Bonum*, according to Equity and good Conſcience: Under which Notion, the Juriſdiction of this Court hath very lately overflown the Land like a Deluge; ſo that all ſorts of Civil Cauſes, firſt or laſt, are ventilated there; and all other Courts are but Courts of *Pie-powder*, in Compariſon. And yet it ought to meddle but with three ſorts of Buſineſſes.

1. Breach of Truſt. Take away the Statute of Uſes (whereof we have little Uſe) and this Clauſe is almoſt gone.

2. Combinations. Which are now made the impudent Suggeſtions of every Bill, though never ſo apparently falſe, only to hold in the Cauſe, which is a clear Confeſſion that Frauds and Deceits are the greateſt Things that this Court ought to deal in. Yet it is now become the common Sanctuary for all babling and deceitful Perſons, which ought to be a ſhelter for the ſimple and oppreſſed.

3. Accidents. *Caſus fortuiti*. As when a Man, travelling with Money to pay his Debts, falls into the Hands of Thieves, whereby he is enforced to forfeit his Security. Yet in this Caſe the Common-Law Courts, may give a Remedy, and do. Nor doth it appear upon what Grounds in Law the Lord-Keeper hath Cognizance of theſe three recited Points.

But now if a Man have but Communication of a Bargain with a litigious, crafty Perſon, he will by the help of that thing called Equity, cry it up for an abſolute Bargain, and enforce the Performance of it. Nay, contrary to the Statute, 4. *H.* IV. c. 23. this Court is grown to that Boldneſs, as to examine Judgments given in the *King*'s *Courts* (tho' anciently the *Kings-Bench* did reverſe Errors of the *Chancery*) whereby Suits are revived, and have more than one Life, and become almoſt immortal: What *Suit* of Buff laſteth half ſo long? Nay, the *Suits* which the Children of *Iſrael* wore in their forty Years Peregrination through the Wilderneſs, were of no Durableneſs in compariſon.

This

‡ *Spelman*, trifariam facit Cancellariam.
1. Miniſtralem, quæ originis antiquæ.
2. Judicialem, ſeu forenſem, quæ mediæ antiquitatis
3. Prætoriam, quæ recentioris originis eſt, & hoc ſenſu Recordi Curia non habetur: Huic ſubjiciuntur caſus Anomali & exorbitantes.

This Examination of Buſineſſes after Judgment at the Common-Law, was countenanced by King *James* in the Year 1614. who, affecting to weaken the Power of the Laws, and to have all Laws *in ſcrinio pectoris*, within his own and his Lord-Keeper's Breaſt (whom he can diſplace at Pleaſure) knew, that the frequent uſe of Equity in Chancery, was a more hidden and powerful Way to undetermine our Laws, and bring all our Rights and Properties under an arbitrary Power, than his boiſterous Prerogative Royal; free from Envy, and fitter to extinguiſh common Concord, and to divide Families by multiplicity of Suits, which all immoderate Princes deſire; their Rule being, *Divide & impera:* And this is * *Bacon*'s meaning, where he ſaith, *Henry* VII. would govern his People by his Laws, yet would govern his Laws by his Lawyers. That is, They ſhould firſt conſult with him or his Favourites, what Interpretation to put upon the Laws: As the *Mufti* at *Conſtantinople* privately doth the *Grand Signior*, before he gives out his definitive Sentences and Oracles to the People, whereby they may be more ſerviceable to the State; both the Law and the Goſpel, under ſubtle Princes, being *Organa Politica*, Inſtruments of Government, politic Scarecrows.

The Premiſes conſidered, I wonder not that † *Phil. Honorius* ſaith, *Cum à* Gulielmo *Conqueſtore (quod perinde eſt ac Tyrannus) inſtituta ſint Leges* Angliæ, *admirandum non eſt, quod ſolam Principis utilitatem reſpiciant; Subditorum verò bonum deſertum eſſe videatur: plenequæ ſunt Tricarum Ambiguitatum ſibique contrariæ: Fuerunt ſi quidem excogitatæ atque ſancitæ a* Normannis *quibus nullæ Gens magis litigioſa, atque in controverſiis machinandis ac proferendis fallacior reperiri poteſt.* "Since the Laws of *England* were inſtituted by *William the Conqueror* (which is as much as to ſay, the *Tyrant*) it is not to be wondered, at, that they reſpect only the Profit of the King, and have no regard to the Good of the Subject; and are full of Pleadings, Ambiguities and Contrarieties in themſelves: For they were invented and eſtabliſhed by the *Normans*, than whom no Nation is more litigious, nor more deceitful to invent and wire-draw Suits and Controverſies." But (I believe) he looked more upon the Practice, than the Senſe and Nature of our Laws.

There happeneth rarely in the Civil Law a doubtful Caſe, called *Caſus pro amico*; a Caſe to pleaſure a Friend withal: When (upon arguing the Caſe) the Arguments upon both Sides are of ſuch equal Weight, that neither by any thing ſpoken in Pleading, nor by any Arguments, or Reaſons from his own Knowledge, the Judge can poſſibly diſcern, to which ſide the Ballance of Juſtice inclines, in this Ambiguity the Judge (without wronging his Conſcience, not being able to judge upon the Merits of the *Cauſe*) may judge according to the Merits of the *Perſon*; he may give it to the Poorer, by way of Charity: Or to the Worthier by way of Reward: But our Judges and Lawyers endeavour to make all Cauſes ſuch, *Caſus pro Amico.* If it be in *Chancery*, though never ſo plain, after a Reference or two, and a Generation or Pedigree of Orders, the Controverſy will become ſo intricate, that the Merits of the Cauſe being loſt,

* Hiſt. H. 7.

Such were our Judgments for Ship-money.

1. Fore-judged at Court.

2. Seemingly argued in the Checquer Chamber.

3. Adjudged there according to the ſaid fore-judgment.

† *De Regno Britan.*

He was Ambaſſador here for the King of *Spain*.

all the Labour lies in managing of Reports and Orders: And ſometimes (even in Caſes of the like Nature) Equity bears the Sway, ſometimes the Common Law; according as the Party, Plaintiff and Defendant play their Game; for that is the only Perſonal Merit here reſpected. I have inſiſted the more upon the Abuſe of *Equity*, as being the fouleſt Ulcer in all our legal Grievances, and but an Upſtart, of no Antiquity.

For our Law, it cannot be overthrown but by itſelf, nor without the injurious Wit of a Lawyer, to miſconſtrue and betray it. Theſe Sons of the Law have turned Juſtice into Wormwood: The honourable Profeſſion of the Law *in artem litigandi*, into the Trade of Brabbling and Pettifogging. It were a Work of infinite Labour to trace half their Miſdemeanors. They are,

Turba gravis paci, placidæque inimica quieti,
Quæ ſemper miſeras ſollicitabit opes.
Foes to ſweet Peace, and unto pleaſing Reſt,
Which miſerable Wealth do ſtill moleſt.

They are *Crumenæ-mulcta natio, loquacula turba*; A Purſe milking Generation, and a prating Rabble: I ſpeak not theſe Things againſt the Profeſſion, nor againſt all the Profeſſors, amongſt whom I know are many worthy of Reſpect for their Abilities and Integrities; I ſpeak only againſt the common Traders of the Law, *vulgus Juriſperitorum:* Of theſe I may ſay, that the Houſe of a crafty Lawyer or Attorney keeps the Country in awe, and draws in Contribution as far as an ordinary Gariſon; and (Cuſtom being grown into a ſecond Nature) it is as natural for a poor Countryman to fear one of theſe, as for a Lark to fear a Hobby. Having thus prepared your Mind to receive good Counſel, I will now give it you, without Fee or Bribe.

Take heed how you fill up Elections with theſe kind of Men: The Recorder of every Borough will of courſe look to be choſen, as being the Mouth of his Corporation: But it is a Cuſtom not fit for the Neceſſity of theſe Times: Our Affairs require rather Stateſmen than Lawyers. My Reaſons againſt ſuch Elections follow.

1. The Knowledge of the Common Law, doth no way conduce to the making of a Stateſman: It is a confined and topical kind of Learning, calculated only for the Meridian of *Weſtminſter-Hall*, and reacheth no farther than *Dover*. Tranſplant a Common Lawyer to *Calais*, and his Head is no more uſeful than a Sun-Dial in a Grave: Whoever heard of the Politics written in Law-*French?*.

2. If the making and penning of good Laws were the Work of theſe Times (as they are not) it were not Wiſdom to chuſe mercenary Lawyers to make Laws: Becauſe they are the firſt Men to invent Subtleties to envade them, and make them uſeleſs; and will pen them obſcurely on Purpoſe to make themſelves Work in the Interpretation.

3. Lawyers, being a bold and talkative kind of Men, will intrude themſelves into the Chairs in all Committees, where (being accuſtomed to take Fees) they will under-hand protect Delinquents, and their cancelled Eſtates with Tricks and Devices.

4. The Reformation of Courts of Juſtice is a Work of abſolute Neceſſity; without it (though the Sword of the *Lord* return again into its Scabbard, ſo that you have no War) you ſhall have no Peace: But if you have many Lawyers, they will never ſuffer any effectual Law to paſs for this Purpoſe: Becauſe they get more by the Corruption and Delays of the Law than by the Law itſelf.

5. It is neceſſary to make a Law for Limitation of exorbitant Fees, Extortion and Prevarication amongſt Lawyers, as is uſed in other Countries.

6. It is neceſſary to limit the certain Number of Practiſers in each Court, that they ſwarm not (like Locuſts) over the Land, devouring and impoveriſhing it.

Theſe Bleſſings you will never attain unto, unleſs *God* give you the Wiſdom to avoid ſuch Election. Lay the Sin, as well as the Shame and Smart of *legal Oppreſſions* to your Hearts, and you will find that the Cries of the Oppreſſed have been a principal Motive to draw down *God*'s Vengeance upon this mournful Land. Was ever ſo deſperate a Wound given to your Laws, Liberties, and Properties, as the predetermined Judgment of Ship-money? Who gave that Blow? Judges. What were they? Thieves, *Cum Privilegio Regiæ Majeſtatis*, who bought Juſtice by Wholeſale, and ſold it by Retale: Who aſſiſted them? Lawyers who, undertaking to plead for their Clients againſt it, prevaricated [for the moſt Part] and betrayed the Cauſe, to get Favour and Preferment. And yet ſuch Proceedings were againſt both the Judges and the Coronation-Oath: And the Judges as well as the King have the Coronation Oath, in keeping. *Treſilian* and his Fellow-Judges were condemned and executed in *Richard* the Second's time, for making the King break his Coronation-Oath, upon an extrajudicial Opinion colluſorily given: For (ſaith the Record) *Sacramentum Domini Regis erga populum ſuum habent ad cuſtodiendum.* But our Judges [though more wicked] have the Happineſs to live in a more wicked Age [*cujus pars magna ſunt*] and out-live their Crimes; paying only a ſmall Part, by way of Fine; enjoying the Reſt of their ſtollen Treaſure; *Occulta ſpoila & plures de pace triumphos.* After they had made Peace as devouring as War, and the Law as cruel as the Sword, who (that is not a better Chriſtian than theſe Brothers of the *Coyfe*, Brothers in Evil) will not cry out with *Epicurus*, *Deus prorſus contemnere res humanas?* That *God* takes no more care what Men do on this Earthly Ball, than Man doth, what Ants do in an Emmit Hill. * When *Verres* (being Pro-Conſul of *Sicily*) had pilled that Province (and other Pro-Conſuls, and Pro-Pretors, were puniſhed for leſſer Extortions) he, laughing at their fooliſh Moderation, vaunted to his Broker *Timarchides*, that he had gotten enough to buy the Friendſhip of the Senate, and come off a rich and honourable Man: So our Judges enjoy their Crimes, and the Price and Reward of them. Nay *Fruuntur diis iratis, cum tu victrix provincia ploras*, grow fat and proſper upon the Anger of *God*, and Man, whilſt this Land groans under the ſad Weight of Sword, Peſtilence, and Famine, the Effects of their Injuſtice. But through whoſe Favour is it, they have not expiated their Crimes with their Blood, and waſhed away the Guilt of the Land, but the Lawyers, who wiſely conſider, it may be their own Caſe another Day?

I have ſhewed you how unſafe it is to truſt mercenary Men with *making* or *keeping* of your Laws: I will epitomize what I have ſaid in † *Pliny*'s Words. *Olim Criminibus,*

* Cicero in Verrem.

† Panigyr. ad *Trajanum.*

minibus, jam legibus laboratur; & metuendum eſt, ne legibus fundata reſpublica, ſit legibus everſa.

Heretofore we were laden with our Crimes, now we are oppreſſed with our Laws: And it is to be feared leſt the Common-wealth [though founded by the Laws] be confounded by the Laws, [or rather by the Lawyers.]

I have given you good Counſel: *God* make it wholeſome to you, and ſafe to me; which [if the Times are not too wicked to hear Truth] I ſhall not doubt: In the mean time the feeling Experience I have in the public Calamities, hath raiſed my Reſolution rather to *ſcorn* than *fear* any Injury. *Juſtum & tenacem propoſiti virum, non civium ardor prava jubentium, non vultus inſtantis Tyranni mente quatit ſolida. Fractus illabatur orbis impavidum ferient ruina.* A juſt and conſtant Man will not be ſhaken in his Reſolution; neither by the Threats of Tyrants, nor by the Clamours of the many-headed Multitude: Though the World fall upon him, he will fall accompanied with Juſtice, Honeſty, Religion, (miſtake me not, I do not mean Hypocriſy.) *Leve eſt quod ferre poſſum, breve eſt quod ferre non poſſum. Mors ultima linea rerum eſt.* So I conclude my Advice; and *God* conclude our Miſeries!

Juſtum & tenacem propoſiti virum,
Non civium Ardor prava jubentium,
Non vultus inſtantis Tyranni
Mente quatit ſolida ———
Si fractus illabatur Orbis
Impavidum ferient Ruinæ.

The Laſt Sayings, or Dying Legacy of Mr. *Thomas Hobbs* of *Malmsbury*, who departed this Life on *Thurſday*, *Decem.* 4, 1679.

Printed for the AUTHOR's *Executors*, 1680.

[*Of* Hobbs *and his Writings ſo much is known, that nothing need be ſaid; and leſt any Objection ſhould be thought to lie againſt the Contents of the following Paper, (which is indeed a Curioſity tho' no more than a Brief of the Syſtem diffuſed thro' his Works) the Editor has annex'd to it, one of the moſt full and ſolemn Recantations that ever was made, by one of his Pupils.*]

———*Quid mihi Curæ erit Transfuga?* Senec.

FEAR of Power inviſible, feign'd by the Mind, or imagined from Tales publicly allowed, is Religion; not allowed, is Superſtition.

It is with the Myſteries of Religion, as with wholeſome Pills for the Sick, which, ſwallow'd whole, have the Virtue to cure; but, chew'd, are for the moſt Part caſt up again without effect.

To

To ſay that *God* hath ſpoken to a Man in a Dream, is no more than to ſay, he dreamt that *God* ſpake to him.

To ſay he hath ſeen a Viſion, or heard a Voice, is to ſay that he hath dreamt between ſleeping and waking.

To ſay he ſpeaks by ſupernatural Inſpiration, is to ſay he finds an ardent Deſire to ſpeak, or ſome ſtrong Opinion of himſelf, for the which he can alledge no natural Reaſon.

In matters of Right or Intereſt, where Reaſon is againſt a Man, a Man will be againſt Reaſon.

Evil Men under pretext that *God* can do any Thing, are ſo bold as to ſay, he does every Thing that may ſerve their Turns.

As for Witches, I think not that their Witchcraft is any real Power; but yet that they are juſtly puniſhed, for the falſe Belief they have, that they can do ſuch Miſchief, joined with a Purpoſe to do it if they could.

For Fairies and walking Ghoſts, I think that Opinion is taught only to keep in Credit the Uſe of Exorciſms, Croſſes, and Holy Water, to lay thoſe Spirits which were never raiſed.

The beſt Prophet naturally is the beſt Gueſſer; and the beſt Gueſſer, he that is moſt vers'd and ſtudied in the Matter he gueſſes at.

Whatſoever we imagine, is Finite: Therefore there is no Idea or Conception of any thing we call Infinite.

When we believe another Man's Revelation, not from the Reaſon of the Thing reveal'd, but from the Authority and good Opinion of him to whom it was ſo revealed, then is the Speaker or Enthuſiaſt the only Object of our Faith, and the Honour done in believing, is done to him only, and not to him that revealed it: So, on the contrary, if *Livy* ſays, the *Gods* once made a Cow ſpeak, and we believe it not; herein we diſtruſt not *God*, but *Livy*.

There is no greater Argument of Madneſs, than the arrogating to ones-ſelf Inſpiration: for if ſome Man in *Bedlam*, after he had made a long ſober Diſcourſe, ſhould at laſt tell you, he was *God* the Father, I think you need expect no further Argument for his Madneſs.

He that believes a Thing, only becauſe it may be ſo; may as well doubt of it, becauſe it may be otherwiſe.

A certainty of Error in any Part of a Thing, implies a Poſſibility of Error in the Whole.

Nil fuit in intellectu, quod non fuit prius in ſenſu.

When a Pope excommunicates a Kingdom, he may rather be ſaid to excommunicate himſelf; the Pope being the only Loſer thereby.

That *Demoniacks* were no other than Mad-men, appears from *Job*. 10. 20. *He hath a Devil, and is mad.*

As a Man that is born blind, hearing Men talk of Warming themſelves by the Fire, and being brought to warm himſelf by the ſame, may eaſily conceive there is ſomewhat there which Men call Fire, and is the Cauſe of the Heat he feels, but can have no Idea of it in his Mind, ſuch as they have that ſee it: So alſo, by the viſible Things of this World, and their admirable Order, a Man may conceive there is a Cauſe of them which Men call *God*, and yet not have an Idea or Image of him in his Mind.

No Persons ought so justly to die for Religion, as those that get their living by it.

To measure Good or Evil by the Reward or Punishment assigned by the Laws of our own Country, is like little Children, who have no other Measure of good or ill but from the Correction of their Parents.

The Church is a Mother-in-law to the Laity, but an own Mother to the Clergy.

That the Popish Consecration is no other than Conjuration or Incantation: For when the Priests in the Sacrament pretend to turn the Bread into *Christ*'s Body, wherein differ they from the *Egyptian* Conjurers, who are said to have turn'd the Rods into Serpents, and the Water into Blood? However, if (as in the Sacrament the Bread remained Bread still) the Rods had also remained Rods still, and they had nevertheless faced down the King, contrary to his own Eye-sight, that they were Serpents, what impudent Rogues had these been? That had been both Enchantment and Lying; and so is it in Transubstantiation.

That we might not give too much Credit to all pretended Miracles, let us examine the many Impostures wrought by Confederacy, wherein we shall find, that there is nothing, how impossible soever to be done, that is impossible to be believed: For two Men conspiring, one to seem lame, and the other to cure him with a Charm, will deceive many; but many conspiring, one to seem lame, another to cure him, and all the rest to bear witness, will deceive more.

In these four things, *viz.* Opinion of Ghosts, Ignorance of second Causes, Devotion towards what Men fear, and taking of things Casual for Prognostics, consisteth the natural Seed of Religion; which, by Reason of different Fancies, Passions and Judgments of several Men, hath grown up into Ceremonies so different, that those which are used by one Man, are, for the most Part, ridiculous to another.

That Law which is absolutely necessary to Mankind's future Happiness, ought (if the Law-giver be just) to be generally made known unto all Men: No one reveal'd Law was ever made known unto all Men; *Ergo*, No one reveal'd Law is absolutely necessary to Mankind's future Happiness.

That *God* is Almighty Matter.

That the prime Law of Nature in the Soul of Man, is that of Self-preservation.

That the Law of the civil Magistrate, is the only obliging Rule of Just and Unjust.

Dreams are the Reverse of our waking Imaginations; the Motion when we are awake, beginning at one end, and when we dream, at the other.

The Recantation of *Daniel Scargill*, publicly made before the Univerſity of *Cambridge*, in *Great St. Mary*'s, *July* the 25, 1669.

WHEREAS I *Daniel Scargill*, late Batcheſor of Arts and Fellow of *Corpus Chriſti* College in the Univerſity of *Cambridge*, being, through the Inſtigation of the *Devil*, poſſeſſed with a fooliſh, proud Conceit of my own Wit, and not having the Fear of *God* before my Eyes, have lately vented and publicly aſſerted in the ſaid Univerſity diverſe wicked, blaſphemous and atheiſtical Poſitions, (particularly, that all right of Dominion is founded only in Power, that if the *Devil* be omnipotent, he ought to be obeyed; that all moral Righteouſneſs, is founded in the poſitive Law of the Civil Magiſtrate only; that the Scriptures of *God* are not Law farther than they are enjoined by the Civil Magiſtrate; that the Civil Magiſtrate is to be obeyed though he ſhould forbid the Worſhip of *God*, or command Theft, Murder, and Adultery) profeſſing, that I gloried to be an *Hobbiſt* and an *Atheiſt*; and vaunting, that *Hobbs* ſhould be maintained by *Daniel*, that is, by me: Agreeably unto which Principles and Poſitions, I have lived in great Licentiouſneſs; ſwearing raſhly; drinking intemperately; boaſting myſelf inſolently; corrupting others by my pernicious Principles and Example: To the high diſhonour of *God*; the Reproach of the Univerſity; the Scandal of Chriſtianity; and the juſt Offence of Mankind. And whereas the Vice-Chancellor and Heads of the ſaid Univerſity, upon Notice of theſe my foul Enormities, upon a full Examination and clear Conviction of theſe premiſed Offences, after Suſpenſion from my Degree, did expel me out of the ſaid Univerſity: Now, I the ſaid *Daniel Scargill*, after frequent Conſideration, ſtrict Examination, and ſerious Review of the ſaid Poſitions, do find, by the Grace of that *God* whom I had denied, that they are not only of dangerous and miſchievous Conſequence, inconſiſtent with the Being of *God*, and deſtructive to human Society, but that they are utterly falſe, the Suggeſtions of a lying Spirit, wholly againſt my own Judgment, reſolved upon better Conſideration, as well as againſt the common Senſe of Mankind: And I do freely acknowledge the Proceedings and Sentence of my Governors, the Vice-Chancellor and Heads of the Univerſity, to be juſt and equal, agreeable to the Duty of their Place, and the Truſt repoſed in them, That they could not have done leſs to vindicate the Divine Honour, and ſuppreſs that Miſchief growing up in this Age, which no former hath known.

And now I adore and bleſs the higheſt Majeſty of *God* in his infinite Mercy to me; that he hath not ſuffered me to go on unreclaimed in my enormous Principles and Practices; but hath made my Face to be aſhamed, that I may ſeek his Name. *Righteouſneſs belongeth unto thee, O Lord; but unto me*, and to thoſe who have ſeduced me, and to thoſe who have been ſeduced by me, *Shame and Confuſion of Face.* Oh, what Height of

Wickedneſs had I arrived unto! For I muſt confeſs myſelf guilty of impleading the Divine Majeſty at the Tribunal of human Wit, making Man judge, whether *God* ſhould be *God* or no. Nay, whereas the *Devil*, my Tempter, to whom I had hearkned, doth believe and tremble, I, vile Wretch! have been void of the Faith and Fear of *God*, in the manifold Manifeſtations of him. Wherefore I humbly aſk Pardon of *God* above all, whom I have blaſphemed; of my Governors in the Univerſity, whom I have diſturbed; of all *Chriſtians*, and all Men, for the great Offence I have given unto all; more eſpecially of ſo many as have been miſled into any Error or Vice by me: And I do alſo humbly and earneſtly beſeech all Men, eſpecially ſo many of the younger Scholars as have been ſeduced by me, (who now abhor what I formerly boaſted to aſſert) that they beware by my Example of the moſt ſubtle Inſinuations of the *Devil*, in the vain Oſtentation of their own Wit. *That they lean not to their own Underſtanding, but conſult the holy Scriptures, the lively Oracles of God*, That from thence they may learn φρονεῖν εἰς τὸ σωφρονεῖν, *to be wiſe unto ſobriety*, as the holy Apoſtle, with great Wiſdom, requires. And now I humbly hope and truſt in the infinite Mercy of that *God* againſt whom I had audaciouſly opened my unhallowed Mouth, that He, who hath promiſed, that all Sin and Blaſphemy ſhall be forgiven unto Men (excepting only that reſolved, malicious Blaſphemy againſt the *Holy Ghoſt*) will be graciouſly pleaſed, to glorify his Mercy in the Forgiveneſs of my moſt deteſtable Errors and abominable Sins. And I thank *God* that he hath awakened me in good Meaſure, to a juſt Deteſtation of the accurſed Poſitions aſſerted by me, and of all other like wicked Principles.

Wherefore, I do here, in the Preſence of *God*, Angels and Men, caſt myſelf down in a deep Dread of the juſt Judgments and Vengeance of *God* upon the accurſed *Atheiſm* of this Age; acknowledging myſelf to be highly guilty of the Growth and Spreading thereof, having contributed what my profane Wit could deviſe, or my foul Mouth expreſs, to inſtil it into others, or confirm them therein. And I do profeſs, I believe (and judge it moſt reaſonable ſo to believe) that the openly-profeſſed *Atheiſm* of ſome, and the ſecret *Atheiſm* of others, is the accurſed Root of all that abounding Wickedneſs, Perjury, Sacrilege, Debauchery and Uncleanneſs in this preſent Age: That, in a deep Senſe of that wretched Part I have acted in the propagating thereof, I do now abhor myſelf in Duſt and Aſhes, and that from the Bottom of my Heart, I do diſclaim, renounce, deteſt, and abhor thoſe execrable Poſitions aſſerted by me or any other: Particularly,

I. *That all Right of Dominion, is founded only in Power.*
II. *That all moral Righteouſneſs is founded only in the Law of the Civil Magiſtrate.*
III. *That the Holy Scriptures are made Law only by Civil Authority.*
IV. *That whatſoever the Civil Magiſtrate commands is to be obeyed, notwithſtanding contrary to Divine moral Laws.*
V. *That there is a deſirable Glory in being, and being reputed, an Atheiſt*; which I implied, when I expreſly affirmed, that I gloried to be an *Hobbiſt* and an *Atheiſt*.

For

For these unhallowed Assertions and Expressions, I now find such inward Contrition and Remorse, that I pray *God* in his Mercy may withhold me from Relapse, or his *Judgments* prevent it. But do I think that a bare Recantation can satisfy for my prodigious Offences? No, let me do Penance all my Days, submitting myself to *God*'s Will, and the Charity of pious Minds: And whatsoever my Portion may be in this World, let me live and die in the Fear of *God* and Faith of *Christ*! *Amen.*

Now, lest any one should mistake or suspect this Confession and unfeigned Renunciation of my sinful and accursed Errors, for an Act of Civil Obedience or Submission in me, performed, according to my former Principles, at the Command of my Superiors, in outward Expression of Words, though contrary to my Judgment and inward Thoughts of my Heart; or that I have not now expressed the most sincere and secret Sense of my Soul; I call the Searcher of Hearts to witness, that I loath and abhor such Practices as the basest and most damnable Hypocrisy: That, from Heart and Soul, I detest such Principles in all Persons, as worse than the basest Villanies and Reservations, which the *Jesuits* are said to practise or allow: And I openly avow, that I do acknowledge, that all Persons so principled ought to be held by all Mankind, as the most dangerous and declared Enemies of the common Faith amongst Men: That they are not to be trusted upon any Obligation of their Faith, or Pretensions to Piety, Loyalty, or common Honesty, in any Corporation, College, University, City, Commonwealth or Kingdom: But, that, by those Principles, destructive to all Society and Commerce amongst Men, they may and do delude and defeat all Oaths and Protestations, all Faith given to *God* or Man: That they may and will comply, if their own Interest or Advantage prompt them to it, with any Invader or Usurper; with any Faction or growing Sect, however destructive to all Order and the very Being of human Society in the World. I believe also, and openly avouch, That no Power upon Earth; no Persuasion or Imagination about natural Right; no Opinion in pretended Philosophy concerning Self-preservation, can free me from the Obligation that is now upon me, in this my open Profession of Repentance for my accursed Errors and grievous Sins, to speak the Truth in Sincerity before *God* and Man.

This Recantation and sincere Profession I make willingly and freely, of my own Mind and Choice; not in Compliance with the Command or Will of any other; not upon Design to gain a better Opinion amongst Men in the World; not for any worldly Advantage, Profit, or Self-end of my own: But out of a hearty Detestation of my foul Errors and Sins; and I am glad of this Opportunity to disburden my Soul, oppressed with the Weight of the same.

So help me God,

DANIEL SCARGILL.

Out of Sir *Thomas Webster*'s COLLECTION.

A LETTER to both Houſes of Parliament, on the Subject of their preſent Proceedings againſt the *Roman Catholics* of *England*. Printed at *Paris*, 1679.

[*The following ſhrewd tho' bitter Piece, is one of the many vigorous but ineffectual Efforts, made by the* Roman Catholics *of this Kingdom, to purge themſelves from the Accuſations of* Oates *and* Bedloe; *and thereby mitigate the Severities, which theſe Accuſations had drawn down upon them. There is, I think, no need to make any Apology at this Time of Day, for giving it a Place in this Collection. Thoſe who would judge ſenſibly and uprightly, muſt hear the Priſoner at the Bar, as well as the Accuſer; and for want of doing ſo in the Inſtance before us, few People, out of the Pale of the* Roman *Church, believe that any Thing material can be ſaid to exculpate the Accuſed. For Juſtice ſake, therefore they ought to be heard, and, if that is allowed, I am abſolved.*]

May it pleaſe Your Lordſhips, and You Gentlemen of the Houſe of Commons:

I Know the Multitude of your Affairs, and therefore this Interruption ſhall be no longer than ſeemeth neceſſary.

I hope that, ſince, by Permiſſion of Authority, *Oates* (the preſent Infamy of our *Country*) has taken on him the Office of Councellor, or rather *Tutor* to his *Majeſty*, in the late Publication of his *Fantaſtic* Depoſitions, it will not be needful to *Apologiſe* for this little *Admonitory* Addreſs unto you.

I confeſs you now receive it from one ſingle Hand; but you muſt likewiſe be aſſured, that is is the Voice of the whole *Chriſtian* World; which, becauſe you ſtifle and ſuppreſs it in *England*, by moſt ſevere *Penalties*, your beſt Friends are obliged to impart unto you from beyond Sea.

You have raiſed a moſt violent Perſecution againſt the *Roman Catholics*; you have thrown many worthy Gentlemen into Goals, and conſtrained others to quit their Native Country; you have taken away the Lives of ſeveral honeſt Men, as well by ſtrict and uncharitable Impriſonments, as by Pretence of Juſtice, and Form of Law; you have aſperſed the cleareſt and moſt unblemiſhed Reputations with the fouleſt Stains; you have dreadfully alarmed, and inflamed the People, and in a Moment changed a ſteady and fruitful Peace into moſt reſtleſs and waſting Diſtractions: And all this under colour of a Helliſh *Plot*, that was contrived, and is ſtill carried on againſt his *Majeſty*'s Life. This you ſay, is diſcovered to you by *Titus Oates*, and *William Bedloe*; and on their *Teſtimony*, you have proceeded to ſo much Oppreſſion and Blood. And all this while you are not ignorant, what Reputation your Informers have, *(viz.)* That they are Men, who by *Cheats*, *Robberies* and *Perjuries*, had, long ſince, loſt all manner of Credit: And at this Time were grown ſo indigent, that perhaps their Wants had been a Temptation ſtrong enough to better Conſciences, for ſuch an advantagious Forgery. You know likewiſe, that as their former Falſe-

hoods

hoods and *Perjuries* were notorious, ſo even their preſent ones are manifeſt: And this not only by Clouds of Witneſſes, both *Catholics*, and *Proteſtants*, which, notwithſtanding the care taken to prevent it, by baniſhing the one, and frightening the other, do yet appear againſt them: But alſo (beſides other Abſurdities) by plain Diſagreements, and palpable Contradictions in their own Evidence. You know how differently this pretended Information hath been given, and how, *Proteus* like, it hath changed it's Shape; being one thing before the Privy-Council, another before you, a third before the Judges. You know how many groſs Failings have been obſerved in it, not only by his *Majeſty*, but by many of yourſelves: You know that the beſt of your two Houſes voted the *Queen* innocent of ſuch Crimes, as theſe two Villains were not afraid to ſwear againſt her, which was no other in effect, than to declare the Accuſation, a *Perjury*; you know that the *King* himſelf, who is the moſt concerned, and has had the beſt Opportunity of examining this mock Diſcovery, openly laughs at it: You know what *Proteſtations* of Innocency your humble Victims have all hitherto made at their Deaths; which (becauſe you think few Hearts hard enough to reſiſt ſo moving and convincing a Proof) all your Narratives of their *Executions* conceal, and your ordinary Diſcourſes find out ſuch pitiful Evaſions, that I, even I, am aſhamed to mention them; for how can any one believe, that *Catholics* have Diſpenſations to atteſt Lies (even to the profeſſing themſelves *Proteſtants*, as was ſaid in *Bury*'s caſe) at their going out of the World, and being ready to appear before the dreadful and moſt exact *Tribunal* of Almighty *God*; when every Body knows that, in all Ages, ſince your Reformation, ſome of them have loſt their Employments, ſome their Eſtates, others their Lives, for not taking your Oaths and Teſts; which ſuch Diſpenſations as you ſpeak of, would have made moſt eaſy for them to do; and conſequently have fruſtrated the Effect of the penal Laws, and ſheltered them from the numerous and heavy Perſecutions, which, from Time to Time, have been, and are at preſent, moſt thickly ſhowered upon them? Laſtly, you cannot but ſee, how highly improbable it is, that there ſhould have been an Army of Forty or Fifty Thouſand Conſpirators in readineſs, and yet, on this Diſcovery, no other Sign or Evidence ſhould appear of ſo great a thing, but, the bare Aſſertion of one or two infamous *Rogues*: And you yourſelves are ſo ſenſible hereof, that though on the Account of a *Plot*, you kill and ſlay, yet you ſeem ſo far diſſatisfied with any Evidence you have of it hitherto, as ſtill to keep Faſts, and Days of Humiliations, that *God* would help you to diſcover it farther; and, what (I preſume) you hold the moſt efficacious way of augmenting the Number of your Diſcoveries, you are ready to free any *Raſcal* out of the vileſt Priſon, who has Wit enough to frame a little Tale on this Subject, adding Reward to his Liberty; and from being beneath a *Beggar*, raiſing him to the *Port* and *Equipage* of a Lord. What ſhall I ſay of all this, or rather what does the whole World ſay of it? But that you ſeem at once to have loſt all *Prudence*, Honeſty, and Shame; there being nothing more *imprudent*, than thus, by countenancing *Perjury* and Falſehood, to encourage the like (when Occaſion ſhall give way) againſt yourſelves; nothing more unjuſt than by Form of Juſtice to wrong the Innocent; and laſtly, nothing more ſhameleſs, than to act the moſt ridiculous, barbarous Cruelties, on the *Theatre* of

of the World, and in the View of all Mankind? Are you not afraid, that not only *Christians* for your Violence to *Christianity*, but even *Turks*, and *Infidels*, will unite against you, as the common Enemy of human Nature? And if your Pride lift you above those Fears, are you not at least apprehensive of divine Vengeance? Have you so soon forgot, in how many Miseries and what strange Confusions, our poor Nation was overwhelmed, by Heats far less than these? *God* Almighty, it is true, has strangely restored us back our Quiet and Tranquility: But when he does any such Favour, as well to Nations, as to particular Persons, he always adds a *Noli amplius peccare*, &c. *Sin no more, lest a worse Thing happen unto thee.* We are now beginning to sin again; and, if we hold on the Course, what can we expect, but that this worse thing which is to come upon us, should be but even the total Ruin of our Country, and the Extirpation of our People? I confess that some of you are so ingenuous as to acknowledge that the Accusations against us are Calumnies, and improbable Falsehoods: But say you, We have need of them. What hath need of them; your Property or your Religion? You will not say the first (because, supposing those Dangers real, which some treacherously, feign and others as inconsiderately fear) you ought to have so much (not to say of Christianity but) Gentility in you, as to use Forgery, as little for the preserving, as you would for the procuring an Estate; and then certainly you will easily grant, that Religion must have less to do with any such thing; since for it to stand in need of Lies for it's Support and Maintenance, is a strong Evidence that it proceeds from the Father of them, and is itself a most dangerous Impostor. But the Sufferers are Priests, or at least *Papists*, and though innocent of the Crimes objected to them, yet the Priesthood of the one being *Treason*, and the Religion of the other (if not in Law yet in our Opinion) as criminal, we for our parts cannot think that they are wronged, when (though on another Score) they are put to Death.——Such Fancies as these are nothing else but Slights and Artifices of our subtle Adversary, wherewith he endeavours to quiet that Remorse of Conscience which commonly is felt, at the Entrance of it's Wickedness. My Design however is not to insist on the Defence of our Religion: Give me leave only to propose in few Words to your Consideration, how inconsistent it is with your Profession, and how unwarrantable by your own Principles, to persecute on that Account: Pray reflect on this *Dilemma:* Either *God* Almighty hath left us some living Guide, or Guides, here on Earth, for the interpreting Holy Writ, and directing us in all other Points of Religion, and under Pain of Damnation, hath obliged us to follow the same; or else he hath left this Task to each of us in particular, imparting to us the Authority of being our own Guides, and freeing us from all Necessity of Submission to any other. The *Protestants* will deny the former, not only because, in order to their pretended Reformation, they assumed a Liberty, (as every Body knows) most opposite to the Obligation of being guided by others, but because on the same Account they were forced to assert, that no Guides on Earth could be infallible; and, consequently, there could be none whom *God* had indispensably obliged us to obey; it being impossible *God* should bind us to an Obedience, which might possibly (our Director being fallible) engage us in Error, and prove the Cause of our eternal Damnation. It

follows then, that they muſt maintain the latter, *viz.* That (as Proteſtants ſay) we are not bound to pin our Faith on another's Sleeve, but impowered by *God* Almighty to guide ourſelves: Do you not perceive therefore that in Men of your Principles, there is not the leaſt Excuſe for Penalties on Religion? What are Diſſenters in Religion guilty of, but of preſuming to guide themſelves, and follow their own Conſciences, which you confeſs is nothing elſe, but what they are authorized to do by *God* himſelf? So that really when you puniſh for Religion, you ſeem to deal no better with *God* Almighty, than often you do with his Majeſty, whenever, in his Preſence, you correct that in his Miniſters, which you know is done not only by his Approbation, but Command. I know not what Arts you may uſe to leſſen Monarchy here on Earth: But, I hope, you will allow, the King of Heaven to be abſolute. But after all, if you think, that their Religion deſerves Death, in *God*'s Name let them die for it; they own their Religion, and you may eaſe yourſelves of Mr. *Oates* and Mr. *Bedloe*; and cry out with *Caiphas*, what need have we of *further Witneſſes?* It is not lawful for you to murther their Reputations, alſo, by traducing thoſe who have no other Crime, but their Faith, as Incendiaries and Traitors. And though I ſhould grant you, (contrary to what yourſelves believe) that they have deſerved all this, and whatever elſe they ſuffer; it does not follow, that therefore it is lawful, for you to procure the Puniſhment of their Crimes, by committing others. I believe that many of you would ſcruple to take a falſe Oath againſt them; and am confident that none of you would declare it lawful ſo to do. Now that other Opiate for the Conſcience of eaſing yourſelves; that the whole Weight of Perjury lieth on *Oates* and *Bedloe*, is as frivolous and weak an Excuſe, as what I have already mentioned. Are you not taught by Reaſon, and the common Proverb, That the Concealer is as bad as the Thief? Whoſoever buyeth ſtolen Goods, knowing them to be ſuch, or conceals the Felon, involves himſelf in the Theft? It is true, the Knights of the Poſt, are *Oates* and *Bedloe*; but you both purchaſe the falſe Oaths, and protect the Swearers. And I believe, in the laſt Day, (for as much as concerns this matter) it will be more tolerable for *Oates* and *Bedloe*, than for you; ſince your Crime ſeems to be the ſame with theirs; yet their extreme Want, and moſt deſperate Neceſſity, was a greater Temptation, than any thing could be to you, who had no Wants, but what your groundleſs Apprehenſions framed to yourſelves. Nay, more than this, ſetting aſide Mr. *Oates*, you not only are thoſe who countenance, but alſo have drawn on the reſt; laying Baits for them, and with large Promiſes, and as effectual Performances, even forcing them to come to your *Lure*; and this to ſuch a Degree, that, conſidering your Rewards, a falſe Oath began to ſeem the moſt important Piece of Service, which we could do for our Country. Some of you ſay, ('tis true) you do not believe *all* that *Oates* and *Bedloe* tell you, *viz.* the Deſign of killing the King, *&c.* But you cry there is ſomewhat in it. I beſeech you then, let not what is not in it be puniſhed, but what is; and when it appears by better Witneſſes than *Oates* and *Bedloe*; ſince either all is true, that they ſwear, or nothing can be gueſſed, much leſs credited, on their Teſtimony. Will you, becauſe they ſwear many great things falſely

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againſt us, the more eaſily believe the leſs; whereas ſhould they to your Knowledge be guilty of Perjury, but in one ſingle Point, you ought in Law and Conſcience to admit of no Part of their Evidence, but abſolutely to reject the whole: And if ſo, I preſume it will be hard for you to tell me, on what the Belief of this *ſomewhat* you ſpeak of is grounded, unleſs, you ſeriouſly conſider thereof; and then I am of Opinion, that you will perceive it to have no other Foundation, ſave only that through Prejudice againſt *Roman Catholics*, wherein you have been bred, and the hidden Deſire which is ſtill nouriſhed in your Hearts, of finding ſomewhat to reproach them with; and at the ſame Time appeaſe thoſe Doubts which now and then perplex you about Religion; and to ſatisfy your Conſciences, how little need there is of embracing one ſo troubleſome in it's Exerciſe, and (as matters go) ſo diſadvantageous in it's Profeſſion, by repreſenting it altogether, as unholy and impious, as it is inconvenient. They are (I ſay) your Prejudice, and your Intereſt, which ſtrongly (though for the moſt Part imperceptibly) biaſs and incline your Minds, to theſe raſh Judgments; cauſing you to make Concluſions, for which you have no Reaſon; and ſhewing us how true the *Maxim* is, (whereof you ought to be aware) *viz. Quod volumus, facile credimus.*

My Lords, and Gentlemen, I treſpaſs on your Patience, and almoſt loſe my own: I hope you will attribute to the Irregularity of Grief, what Exceſs ſoever this ſhort Diſcourſe may be guilty of. It grieves me here amongſt our Neighbour-Nations, to ſee our Credit (hardly yet whole of its late Wounds) to bleed a-freſh with ſuch Violence, that already it ſeems paſt Cure. It grieves me to ſee the Son almoſt fallen into thoſe Hands, which already ſo lately were embrewed in the Blood of the Father, and he himſelf (thanks to thoſe *Papiſts* you now pretend to conſpire againſt him) ſo narrowly eſcaped: And if the View of a natural Father, being in the like Peril, cauſed a dumb Son to break his Silence, what wonder is it if the imminent Dangers of our common Father, yea of our Brethren too, I mean all his Subjects, ſhould tranſport one who could ſpeak before, ſomewhat beyond the ordinary *Decorum*, and Formalities of Cuſtom? The Subſtance is in ſo much Hazard, that for the ſaving thereof, it is no great Matter if a Ceremony be now and then omitted; he were not to be blamed, who to ſave a drowning Prince, ſhould (without ſtaying to make Reverence) readily pull him out of the Water by the Arms.

What ſhall I ſay more? I hope you will pardon me, and look after yourſelves: Be pleaſed to pauſe a little in the midſt of this furious Career (though it be only to know how far you can maſter yourſelves) and look at leaſt whither it is that you are running ſo faſt: Say to yourſelves, let us conſider what the whole World is now ſaying to us? Let us examine how far theſe loud Exclamations are reaſonable? They who thus cry unto us, are Men as ourſelves, and we may be miſtaken as well as they. Let us then conſider our own Intereſt and Security, the Honour of our Nation, our Allegiance to our Prince, and Duty to *God* Almighty, and ſee how far they are hurt by this monſtrous Authority which two or three Rogues have gotten amongſt us? Let us conſider, whether ſince the Pillory could not free us wholly from the Inconvenience of Perjuries, an Encouragment of them will not increaſe their Number to the Ruin of our Commonwealth, and, moſt deſervedly, of ourſelves in particular:

lar: And why do we talk of Perjuries only, when there is neither Robbery, Sacrilege, Murder, Firing of Houſes, nor any other Crime which (according to the Courſe we take) may not now be ſecurely committed, ſince all theſe things (whenever they happen) are laid on the *Papiſts*: And tho' the Authors ſhould have the ill Fortune to be diſcovered, it is enough for them to ſay, that ſome *Papiſt* ſet them on work, and they are ſo far from Puniſhment, that they are ſure of being rewarded. Neither let it eſcape our Thoughts, what it is to ſhed innocent Blood, how deeply it ſtains, how loudly it cries, and how certainly it is heard: Let us alſo weigh, whether it was the Ambition of a few, and the fooliſh Credulity of many, hanged us by the late Rebellion; and whether or no (conſidering the Poſture of our Neighbours) that preſent Diſſentions are not like to have a worſe End. Let us, in ſpite of Paſſion, Prejudice, and popular Miſtakes, ſet ſtraight once more the Ballance of Juſtice, afford free and impartial Hearing to both Sides, weighing the Quality and Credibility, as well as the Number of Witneſſes, boldly declare what we ſhall find on a ſincere Enquiry, and in Concluſion act accordingly. Let thoſe who are any ways moved, either by their own ſerious Reflection, or by this Piece of Paper (which, perhaps, *one Day* will be *produced* againſt ſome, with more Juſtice, than ſeveral Letters have of late been urged for the Evidence of a Conſpiratation) take Courage! *God* will aſſiſt thoſe who are throughly reſolved to be honeſt: *Darius* threw innocent *Daniel* into the Lion's Den, for fear of thoſe who ſaid to him, *aut trade nobis* Danielem, *aut interficiemus te*, and yet the next Day (*Daniel*'s Safety, moſt probably having given him a greater Confidence in *God*) he was not afraid to caſt all thoſe into the *ſame Den*, with their Wives and Children, who but the Day before had terrified him, even to the wronging of his Conſcience, and deſtroying his beſt Friends: And they who then threatened him, and by making him yield unto an Impiety were conſequently his Maſters, as ſoon as he became reſolved to do Juſtice, dared not ſo much as to ſtir a Finger againſt him.

My Lords and Gentlemen, there is a certain Strength in Honeſty, which nothing can vanquiſh. Virtue has not any oppoſite, but what is of the Nature of the Devil, who is ſo eaſily overcome, that barely to reſiſt him (as our Lord aſſures us) is to put him to Flight. I beſeech the ſame Lord, to take away theſe evil and malignant Heats, which are amongſt you; and inſtead thereof to inſpire you with a Zeal for Religion, which ſo eſſentially requireth an exact Juſtice, that in Truth it is nothing elſe; and therefore you find throughout the Scripture, that Juſtice or (as you tranſlate) Righteouſneſs and the Service of *God* (*viz.* Religion) are Terms equivalent; and if ſo, I hope the Earneſtneſs that I have here ſhewn for Juſtice, which is ſo neceſſary a Qualification for one of *God*'s Servants, will not cauſe me to ſeem the leſs,

Paris, June $\frac{17}{27}$. *My Lords and Gentlemen,*

Your moſt Faithful and moſt Humble Servant,

F. P.

A POSTSCRIPT to the HOUSE of COMMONS.

GENTLEMEN,

SINCE the above was written, we are told of ſeveral ſtrange Votes lately paſſed your Houſe, wherein (whilſt we thought that there could be nothing more wonderful than what we had already heard of you) we are made to ſee, that you, at leaſt, can outdo yourſelves: One of your Votes (want of time, compelling me to leave the reſt for another Opportunity) is to this Purpoſe:

"That in Caſe his Majeſty (which *God* forbid) ſhould come to any violent "Death; you will (at all Adventures) charge the *Catholics* with the Treaſon, "and revenge it on their whole Body in *England*."

I beſeech you Gentlemen, what other Comment can be made of this loyal Reſult of your Deliberations; but that, in effect, it is to induce any one who is not a *Papiſt*, to kill the King; by telling him before hand, that his Crime ſhall be laid on others? And the * World is of Opinion, (which *God* in his Mercy prevent) that by this Vote ſome of you deſign nothing elſe, but to make the way eaſier to that abominable Fact, which you pretend to hinder; and alſo to prepare and teach the People how to reſent it, when it is done: I muſt confeſs that your Vote would have been juſt enough, had none but *Papiſts* been capable of ſuch a Villany; or had all the *Proteſtants*, quitting the Claim of being infallible in their general Body, made themſelves impeccable in their particular Perſons; or had it been neceſſary, that whatſoever ſome one or more of the *Papiſts* ſhould act, their whole Communion ſhould have contrived or approved: But the Caſe is quite different: We have ſeen by Experience, that in *England*, the *Catholics* are ſo far from being the only Enemies to the Life of their King; that there was ſo great a Multitude of thoſe Enemies amongſt the *Proteſtants*, that they were ſtrong enough to deſtroy it; when the oppoſite Party, though aſſiſted by the *Catholics*, was not able to defend it: Is it not an abſurd Caſe, to be conſidered, that poor *Catholics*, who ſo † *unanimouſly*, and gallantly hazarded

* Meaning the *Catholic World:* For as yet the *Proteſtants*, were far from giving that Sanction to any ſuch uncharitable Councils.

† This can never be allowed, unleſs it be firſt granted, That the Rebellion in *Ireland*, and the Maſſacre of the *Proteſtants* there, was for the King's Service, and undertook by his Authority. It appears alſo, that they ſometimes relented in Point of Conſcience, as well as Loyalty; witneſs the following Petition to the Rump-Parliament; which was printed in the Year 1670. As it is ſaid in the Title Page, by the Care of *M. M.* for *general Satisfaction.*

To the *Supreme Authority* of this Nation, the Parliament of the Commonweal of ENGLAND.

The Humble Petition of the Roman Catholics,

Sheweth,

THAT your Petitioners have *long waited* ſome happy Leiſure, when there might be a Hearing allowed them of their many ſad Preſſures, the Weight whereof hath ſunk them ſo ruinouſly low, That they are utterly diſabled to diſcharge their many Debts, make the leaſt Proviſion for their Children, or relieve

zarded their Lives for that of their Prince, and are always ready to do the ſame; ſhould now (right or wrong) be marked out for the only Sufferers, if ever (which *God* forbid) their Prince ſhould happen to be killed, when there are ſtill ſo many of the old *Regicides* not only alive, but in Vogue and Authority, and ſo many of their Sons who have double Portions of their Fathers Spirits. How many over-heated *Preſbyterians*, *Fifth-Monarchy-Men*, and other *Fanatics* are there in *England*, who have Conveniencies fit enough for ſuch an Exploit; and with wreſting a Text or two in Scripture, are able to perform ten times more, than what you pretend the *Papiſts* do with Diſpenſations from the *Pope?* You may perceive by the late barbarous Murder of the Archbiſhop of *St. Andrews*, *(Sharp) Primate* of *Scotland*, what Regard they have to your ſacred Dignities. And here give me leave to tell you, that it is more than highly probable, that theſe *Scottiſh* Goſpel-Bravoes, were encouraged to ſuch a horrid Fact, by the preſent Mode (which preceded your Vote) of caſting all things of this Nature on the *Papiſts*; and I know not but, e'er now, they may have found a Trick, of throwing this alſo upon their Shoulders, in Imitation of what was moſt inhumanly done, on the Accident of Juſtice *Godfrey*'s Death, wherein they not only loſt the Benefit of a very good Friend, but were ſuppoſed, moſt unreaſonably, and without the leaſt Hope of other Advantage, to have *murthered him themſelves*. Who can apprehend, that the whole Body of *Catholics*, who are in Jeopardy of having their Throats cut, on every leſs Murder that happens, ſhould contrive, or agree to ſuch an Attempt againſt his Majeſty, which, ſhould it come to paſs, by unknown Authors, would (whenever you are pleaſed to vote) expoſe them to the Danger of being torn in pieces by the Rabble: What is truly to be feared is, That ſome, *ex vobis ipſis*, infected with the old Itch, as well of Plunder as of Domineering, ſhould uſe Means (eſpecially, ſhould your Claim to Omnipotency, urge you to think, of diſinheriting the Heir apparent)

lieve themſelves, reduced to extreme Neceſſities.

That even ſuch of your Petitioners, as are ſequeſtred for Delinquency, *Have ſtill comforted their Sorrows with this Hope, that at laſt they ſhould certainly be received to Mercy*; ſince the general Votes for Compoſition of the 17th of *March*, 1648, ſeem clearly to imply them capable thereof, when the Rules concerning them ſhould be agreed upon.

That now the *Wiſdom* of the Parliament, applying itſelf to eſtabliſh the People of this Commonwealth in a quiet and ſettled Condition, *Your Petitioners take up an humble Confidence that they alone ſhall not be excluded from ſo univerſal a Benefit.*

And therefore humbly pray, That the Laws and Proceedings concerning them may be taken into Conſideration, and ſuch Clemency and Compaſſion uſed towards them by Compoſition, or otherwiſe, as, in the Judgment of this honourable Houſe, may conſiſt with the public Peace, and your Petitioners comfortable Living in their Native Country.

And they further humbly pray, That it would pleaſe the Parliament to vouchſafe them the Permiſſion of their clearing their Religion, from whatſoever may be inconſiſtent with Government; which will aſſuredly be done to full Satisfaction, *if there may be a Committee appointed by this honourable Houſe, whom they may may have the Privilege to attend.*

And your Petitioners ſhall ever pray, &c.

rent) to assassinate the King, and thereupon massacre and spoil the Papists, and then set up your beloved Twils, *Presbytery* and a *Commonwealth*; wherein (if *God* interposeth not) you will effectually accomplish, what you falsely pretended, the *Catholics* have designed, *viz.* The Murder of the King, the Change of the Government, and the Subversion of the *Protestant* Religion. And then, perhaps, many, who were big with this feigned Plot, and expected great Exaltations from it, will find their Mistake, and perceive, that the young Viper has eaten through that, wherein it was conceived. And amongst others, let my Lords the Bishops (some of whom, on Pretence of ensuring their Gospel, thought fit to preach up *Oates* and *Bedloe*) that those Assassinates of *Scotland*, are only the extreme Parts (*viz.* the Nails and Claws) of that great Body, who, though they now breakfast on us, will not fail to dine on their Lordships, and so (that they may have somewhat to think of, as well as the rest) fat themselves up likewise for them, whom *God* in his just Anger shall appoint to devour them.

Discite Justitiam moniti.

The present Great Interest both of King and People: In a Letter written to one of the Lords of the Privy-Council.

By a Lover of his King and Country.

[*This Tract was also the Growth of the Year* 1679, *and exhibits the most lively Picture of the* Old Cavaliers, *at this remarkable Crisis, that can any where be met with; alike zealous against Protestants and Papist Nonconformists; and ever giving the Church the upper Hand of the Crown. Who the Writer was, it is scarce possible to guess: But whoever he was, his Knowledge of the public Distempers, was only exceeded by his Ardour to remove them: And the Violence of that Ardour hurries him sometimes into as flagrant* Fanataciſms, *as the* Fanatics *themselves (as they were called) could be guilty of.*]

My LORD,

I Have so often resolved to wait on your Lordship, and as often been disappointed of those Resolutions, by such public Concerns as did intervene, that I now resolve, what should then have been the Subject of my Discourse with your Lordship, had my Occasions permitted me to come to *London*, shall be now comprised in this short Epistle; and I hope your Lordship will not despise the well meant Offering of your Lordship's old Acquaintance.

My

My Lord, among the reſt of other matters, (during twenty Years laſt paſt) I have particularly taken Notice of the moſt remarkable public Occurrences that have been in this Nation; and when I review them, to me they ſeem ſtrange. I will only obſerve, with your Lordſhip's Leave, theſe things: Firſt, my Lord, you cannot but remember, with what an univerſal Joy did all Parties amongſt us, even as one Man, receive the King at his Return. *England* looked like the moſt peaceable Paradiſe in the World: We began to entertain the old *Engliſh* Spirit again of Love and Loyalty.———But behold! How ſoon our growing Hopes were blaſted, and all Hands at Work to hinder any Settlement either in Church or State.

Firſt, The old Enemy of our Religion, the *Papiſt*, attempts the greateſt Perſonages with their *Nicknaks* of Religion, and had an excellent Harveſt; eſpecially among a ſort of religious Women, who, when they had thrown off all Senſe of Modeſty and Honeſty, ſheltered themſelves under the Prieſts Shroud of Confeſſion and Abſolution: A rare way to find out the Intrigues of Proteſtant Princes!

Secondly, The *Sectarian* he immediately ſtept in too, with Diſputes about the Garments of Religion, and muſt needs have long Conferences at the *Savoy*, Whether was moſt Apoſtolical, a ſhort Cloak, or a *Holland* Surplice, *&c.* And yet theſe Zealots pretend, the Articles of Religion in the Church of *England* are ſound. But King *James*, I remember, told us, He knew that ſort of Men very well, that they would be always demanding Alterations in religious Eſtabliſhments; but could never agree among themſelves, what 'twas they would have and be quiet.

Thirdly, A ſort of wild, fantaſtic Men, called *Fifth Monarchy-Men*, aroſe to diſturb our Peace, which would have neither Church nor Monarchy, as eſtabliſhed; but overturn all, to bring down our Saviour to reign perſonally amongſt them: And no doubt he would have had admirable Subjects!

Fourthly, With theſe, in comes a Torrent of Atheiſm and Debauchery, as if all Senſe of Good and Evil were quite obliterated out of their Minds. What Curſing, Swearing, Whoring, Blaſpheming, even in the Face of the Sun! All manner of Filthineſs, even to a Prodigy! And he was no Gentleman, nor Perſon of any Honour, that had not in two Hours ſitting at Wine, invented ſome new modiſh Oath, or found out the late Intrigue between the *L. B.* and the *L. P.* laughed at the Fopperies of Prieſts, and made *Lampoons* and *Drolleries* on the ſacred Scriptures themſelves: This was and is the Practice of our young Nobility and Gentry, to the great Scandal and Reproach of their Families.

Fifthly, The old, cunning *Stateſman* obſerving this, ſteps forth, and appears vigorous too, on behalf of the Diſcontented; ſets up *Green-Ribband* Clubs *, and lets fall doubtful Intelligence at each Coffee-Houſe, that it may look two ways, and neither of them true nor underſtood; has his Emiſſaries every where, to whiſper Treaſon and Sedition, ſmite the *King* through the Duke's ſide, libel and lampoon him, make him the Author of the preſent Miſeries; Cry out daily of *Property* and *Liberty*, that it is like to be invaded; when, quite contrary, their Deſigns are abſolutely bent to invade the Prerogative of their Prince, and render him only the bare Compliment of a King, and no more.

Yea,

* Thoſe of Lord *Shaftsbury*'s Faction, were ſo diſtinguiſhed.

Yea, they have of late made our Citizens Stateſmen too, whoſe Buſineſs lies quite another way (one would think;) every little Ale-draper now can tell what the Privy-Council *intend to do* a Month hence, and what the King *ought to do*, &c. &c. Very fine by my Troth!——Well, but the *Stateſman* goes farther yet, for in the Country he appears for all the Diſcontented, at Elections for Parliament-men; there he recommends Godlineſs in ſuch a Man, Courage in another againſt Popiſh and Epiſcopal Plotters; when a Man might have heard of ſome of them thirty Years ago, violent againſt King-Plotters; that is, thoſe loyal Perſons that endeavoured the King's Reſtoration. And now, my Lord, we have brought ourſelves to ſo very fine a Paſs, let me but a little animadvert on what I have obſerved, and then propoſe ſome Remedies for the Cure of our preſent Miſery.

My Lord, methinks it ſhould have been impoſſible, That theſe things ſhould come to paſs in our Days as we now ſee, when we had groaned twenty Years under the ſeveral Tyrannies of Mechanic Princes, Reformation-Workmen, Sanctified-Covenanters, Preaching-Coblers, and what not? That our *great ones* ſhould ſo far forget themſelves, as to hearken to the ſecret Whiſpers of thoſe *Anti-Chriſtian Traders*, to endeavour a Return to that Slavery, under which moſt of the Princes of *Europe* have lain many Years; to countenance a Religion ſo full of Wickedneſs of all Sorts; and to plot and contrive the Death of Princes, in order to their Deſign: Surely the Proteſtant Religion was never well grounded in theſe Perſons, or if it had, they have *ſinned* away all Senſe of it; *that* teaches other things in Chriſtianity. Indeed, as for the female Sort, that have departed from our Church to that of *Rome*, of late Years, they were a Diſhonour to our Church, and no Protection or Allowance is to be found in it to thoſe Adulteries and Fornications which are their daily Practice: So that no Wonder they are departed ſince into that Church, where they can ſin and repent, &c. and yet be as innocent as the late Saints departed at *Tyburn*. [*Meaning theſe executed for the* Popiſh *Plot.*]

And again, methinks the ill Succeſs our diſcontented Brethren had in their former Enterprizes for Reformation, the Miſeries, Murders, Ruin both to Church and State, and the Loſs of one of the beſt of Kings, by the Hands of their Leaders, ſhould deter them from attempting the like again. But, my Lord, I have obſerved among thoſe Sort of Men, a Spirit full of Trouble and Diſcontent, let the Times be good or bad; for they are and muſt be even as they fancy. Truly if Laws wiſely contrived to keep us all quiet, be put in Execution againſt them; oh then, the beloved Doctrine of *Perſecution* is held forth powerfully, to untie the Purſe-ſtrings of the good Women of the Congregation; and to ſay Truth, they have the beſt Harveſt. Well, but if no Law be put in Execution againſt them, and they are permitted to ſay and do what they pleaſe; truly then, one or other of the Biſhops is ſuſpected Popiſhly inclined, and ſometimes they are *all* ſo but *two*. Then again, if a ſound, able Preacher of the Church of *England*, or two, appear againſt their foppiſh way of Preaching and Canting, (as the worthy *Sherlock* and *Falkner* have done) ſo that thereby their Congregations begin to grow thin; oh then, a hue and cry goes againſt them, Seize the *Arminian!* he is departed from the Church of *England*'s Articles, and it's Homilies! Seize the *Socinian*, that denies the Satisfaction

faction of *Christ!* So that, were not Mr. *Sherlock* a very tall, ſtout Man, Mr. *Falkner* at *Lynn*, and Dr. *Jane*, under the *Proteſtant* Biſhops Protection, 'tis ten to one but they had been delivered up to the Rabble, as a great Man was about 1643. for being charged with the ſame Crimes. And then they are admirable too at recommending public Magiſtrates; if they were but the Sons of ſome of the old Rebellion, and have never ſo little Tincture of their Father's crime; but eſpecially if they hunt *Jeſuits* Day and Night, and appear at a Conventicle at leaſt once a Lord's Day; that's the Man all the Rabble ſhall be poſſeſſed with; he is a precious Man to ſit in Parliament, to defend us, and promote our Cauſe againſt Popery and Prelacy.

Now, my Lord, for the other Sort of Monſters that have principally given their helping Hand to bring Ruin and Deſtruction on us, I mean the Debauchees and the Atheiſts, I know not what to ſay to them: I would only aſk the Juſtices of Peace and other public Magiſtrates theſe two Queſtions.

1. Whether if they had obſerved to put in Execution the Laws eſtabliſhed in this Nation, againſt theſe Sons of *Belial*, (who thus bid Defiance to *God* and all things ſacred) or had not been frighted from their Duty by *great Examples*, we had ſeen the preſent Miſery of this Age? It is not a Shame, in a Chriſtian Kingdom, to permit ſuch Monſters amongſt us? I cannot forget * one of this Sort, that is, *One of* David's *Fools*, *that ſaid in his Heart*, &c. and is mighty angry firſt with himſelf, for being puniſhed ſeverely for his ill Life, then with all Mankind; proving they are in a worſe Condition than Beaſts, becauſe he himſelf has ſuffered like one. *A ROD for that FOOL's Back!*

2. Whether if the Magiſtrates had put in Execution the Laws made againſt Popiſh Recuſants and other Sectaries, we had heard of ſo many Plots and Contrivances againſt our King, Government, and Religion? Then, I ſay, my Lord, let not the King be evil ſpoken of, that theſe things are come upon us, but charge it on the careleſs Magiſtrate, that has forgot *God* and his Duty; and as long as we have ſuch Magiſtracy, we ſhall wax worſe and worſe, till we are beyond Recovery, and muſt of neceſſary Conſequence be ſo.

In all Ages, the Sanction of Laws, duly executed, were the beſt Defenſatives for any Kingdom or Commonwealth. 'Twas Debauchery, and not obſerving the Laws, brought to nothing the *Roman Empire*. Had our Laws been duly executed, ſhould we have heard the Cries of the Fatherleſs and Widow in our Streets, ſo much as we do? Should not Curſing, Swearing, and Blaſphemy have been out of Faſhion, and eſteemed diſhonourable in the higheſt, and abandoned by the meaneſt? Would not Adulteries and Fornications, and the Lewdneſs of the preſent Times, have crept into the dark, and not appeared ſo outdaring the Laws of Modeſty, as well as the Laws of our Land? Judge you that are the Magiſtrates of the Land!

My

* Perhaps, *Wilmot* Earl of *Rocheſter*, alluding to his famous Satire,

Were I, (who to my Coſt, already am
One of thoſe ſtrange, prodigious Creatures Man:
A Spirit free to chuſe for my own Share,
What Caſe of Fleſh and Blood I'd chuſe to wear,
I'd be a Dog, a Monkey, or a Bear.
Or any Thing, but that vain Animal,
Who is ſo proud of being rational.

My Lord, Surely it is high Time for ſome of the moſt prudent among the Nobility and Gentry, to ariſe on behalf of *God*, Religion, and the Laws, that our *King* and we periſh not together; for if there be not a Hook put into the Noſtrils of theſe unruly and ungodly Perſons, 'tis impoſſible but we ſhall come to Confuſion, and every evil Work; and alſo that we in the lower Sphere ſhould carry ourſelves humbly and loyally to our King, and endeavour to put to Silence the turbulent *Hotſpurs* of the Age, that gape after Change in the Government: But I hope the Lord will diſappoint their Expectations, and blaſt their Deſigns. In order to which, I only will, with your Lordſhip's Leave, propoſe theſe eight Things to the Conſideration of King, Lords and Commons; and ſo ſhall bid your Lordſhip Good-night.

First, Would it not much conduce to the rooting out and deſtroying the preſent ill Manners of the Age, if his Sacred Majeſty would be pleaſed to appoint fit Perſons of unqueſtionable Integrity, Sobriety, and Loyalty, to enquire into the Lives of all his Officers and Servants, from the higheſt to the loweſt; and find out the moſt expedient Way by the Law, to reform the Swearer, the Blaſphemer, the Whoremaſter, the Flatterer, and the Lyer, the Neglecter of *God* and his Worſhip, or to remove them from his Perſon and Service? Then would Virtue be in faſhion at Court.

2. That great Care be taken, to admit none to be Juſtices of Peace, but ſuch as are of very unqueſtionable Loyalty, and firm to the Church of *England*, of ſober Converſation and Piety, *that would mind an Oath:* Then ſhould our Laws be put in Execution againſt Offenders, and Juſtice not perverted, to the Deſtruction of our Peace and Happineſs.

3. That ſince of late, through the Wickedneſs of the Times, there hath been *Indulgence given to Diſſenters*, That ſome Perſons be appointed very often to hear them, in order to put an Awe upon them, leſt they preach againſt the Eſtabliſh'd Government; and that Reward be given to ſuch Perſons employed in that Service.

4. That the Nurſeries of Sedition and Rebellion *(Coffee-Houſes)* be forthwith put down, and ſome reaſonable Compenſation given to the Perſons of that Profeſſion, who ſhall ſuffer thereby.

5. That an exact Regiſter of all the Popiſh Families in *England* be returned to the Exchequer, and with them their Children alſo; that Care be taken they may have no *St. Omers*-Education, in the ſeveral Counties by the Juſtices thereof; and to make Return of ſuch as dare ſend their Children beyond Sea for Education in Religion.

6. That to take off the Scandal and Contempt from the *Clergy of the Church of* England, the Biſhops in their ſeveral Dioceſes would viſit in Perſon, and not by their Chancellors; and would not ſuperficially, but ſtrictly and ſeverely enquire into the Lives and Manners of their Clergy, and take all care to diſcard them from their Exerciſe of the ſacred Office, till they become as they ought to be: And further, that they would by no means admit ſo *many* into Holy Orders, before they be thirty Years of Age, and well qualified with Learning and Parts to exerciſe their Office; then ſhould not our Univerſities *ſpew out* ſo

many every Year of Sizers or Servitors, with a little Learning and leſs Money, to take upon them the Curateſhip of ſome Doctor's *Pluralities*, which with a preſent Marriage, and a ſmall Stipend, (let the Living be what it will) he becomes the Scandal of the Pariſh, Poverty being ſo eſteemed every where in this degenerate Age. And farther, that 'twould hugely conduce to the encouraging of Learning, if the great Preferments of the Church were given to the moſt learned and deſerving Men, ſuch as are found for the Church of *England*; and that no *Pluralities* be admitted to any Perſon whatſoever, unleſs to a poor Vicar, whoſe Vicarage cannot maintain his Family in Bread.

7. That ſome of the moſt Noble Perſonages of the Kingdom, Men of Integrity and Learning, and reputed Loyalty, together with ſome of our Worthy and Pious Biſhops, would, by way of humble Addreſs to his Royal Highneſs, repreſent the preſent Jealouſies and Fears which are upon the Minds of the People of this Nation, by his being inclined to the *Romiſh* Religion; and to repreſent to his Highneſs the miſchievous Conſequences of altering the Religion his Father died for, and he himſelf is obliged to by the Obligation of Baptiſm, and the dying Advice and Command *of his Royal Father the Martyr*; and earneſtly to preſs him to make a public Satisfaction to the Nation in that reſpect; otherwiſe, the Miſchiefs that will inevitably follow, may too late be lamented.

8. To conclude, That all honeſt and loyal Hearts would join unanimouſly together, to ſupport the Intereſt of the *King* and the *Church*, againſt all thoſe that have ſet their Hands to work to pull them down: Their ſeveral Characters you have before in this Epiſtle, and 'tis no hard Matter to meet with them in all Places of Converſe, where they aſſert and maintain their Democratical Principles. I ſay, let us ſtand up in Behalf of our *King* and *Church*, as ſtoutly as they are Enemies to them, and *God* will no doubt ſave us from the Deſtruction and Miſery, Devaſtation and Ruin, that threatens us at this Time.

Plymouth, Sept. 16, 1679.

My Lord, I will ever ſubſcribe,

Your Lordſhip's moſt devoted Servant,

F. K.

The ORATION of Dr. *FECKENHAM* *, Abbot of *WESTMINSTER*, made in the Parliament-House, *Anno* 1559.

From a MANUSCRIPT *in the* COTTONIAN LIBRARY.

[Weſtminſter *was not only the laſt* Mitred Abby, *which ſent a Lord to Parliament, and* Feckenham *the laſt of thoſe Abbots; but, I think, the firſt Parliament of Queen* Elizabeth, *was the laſt, in which he was permitted to enjoy that Privilege. Her Majeſty had taken a laudable Reſolution to eſtabliſh the Reformation, which her Royal Father and Brother had ſet on foot: And, conſequently, the* Romiſh *Syſtem, which had recovered Strength enough under the Protection of Queen* Mary *to avenge itſelf on its Enemies, though not to ſecure its own Exiſtence, was now in its laſt Agonies. The Bill of* Uniformity, *which gave Life to the Church of* England, *was the Bane of the Church of* Rome; *and while that was under Conſideration, it was, that* Feckenham, *like the God-Smith* Demetrius, *made this notable but vain Effort, to ſave the* Craft, *by which he had his Living.*]

HONORABLE and my very good Lords; having, at this preſent, two ſundry kinds of Religion here propounded and ſet before your Honors, being already in Poſſeſſion of one them, and your Fathers before you, for the Space of 1400 Years paſt, here in this Realm, like as I ſhall hereafter prove unto you; the other Religion being here ſet in a Book; to be received and eſtabliſhed by the Auctority of the high Court of Parlament, and to take effecte here in this Realm at *Midſommer* next coming; and yow being, as I know, right well deſirous, to have ſome perfect and ſure Knowledge which of both thoſe Religions is the better, and moſt worthy to be eſtabliſhed here in this Realm, and to be preferred before the other, I will, for my Part, and for the diſcharging of my Duty, *Firſt*, unto *God*; *Secoundlye*, unto our Soveraigne Lady, the Quene's Highneſs; *Thirdlye*, unto your Honours, and to the whole Commons of this Realm, here ſet forth and expreſs unto you three brefe Rules and Leſſons; whereby your Honours ſhall be able to put difference betwixt the true Religion of *God* and the counterfaite; and therein never be deceived.

The *firſt* is; In your Search and Tryal-making, your Honors muſt obſerve which of them hath been of moſt Antiquitie and moſt obſerved in the Church of *Chriſt* of all Men, at all Times and Seaſons, and in all Places.

The

* *Cambden* tells us, *that he was a learned and good Man, lived a good while, did a great deal of Good to the Poor, and always ſollicited the Minds of his Adverſaries to Good Will.*

The *ſecond*, which of them is of itſelf more ſtedfaſt and always one and agreeable with itſelf.

The *third* and laſt Rule to be conſidered of by your Wiſdomes is, which of theſe Two Religions doth breed the more humble and obedient Subjects unto *God* and next unto our ſoveraigne Ladye the Quene's Highneſs and all ſuperior Powers. Concerning the firſt Rule and Leſſon; it cannot be truly affirmed, or yet thought of in any Manner, that this new Religion here now to be ſet forth in this Book hath been obſerved in *Chriſt*'s Church, of all *Chriſtian* Men at all Times and in all Places, when the ſame hath been obſerved only here in this Realm and that for a ſhort Time; as, not much paſſing the Space of two Years, and that in King *Edward* the Sixth his Days; whereas the Religion and the very ſame manner of ſerving and honoring of *God*, of the which ye are at this preſent in Poſſeſſion, did begin here in this Realm 1400 Years paſt in King *Lucius* his Days, the firſt *Chriſtian* King of this Realm; by whoſe humble Letter ſent unto the Pope *Elutherius*, he ſent into this Realm two holy Monks, the one called *Damianus* and the other *Faganus*: And they, as Embaſſadours ſent from the See-Apoſtolique of *Rome*, did bring into this Realm ſo many Years paſt, the very ſame Religion, whereof we are now in Poſſeſſion; and that in the *Latin* Tounge as the auncient Hiſtoriografer *Guyldas* witneſſith, in the Prologue and Beginning of his Book of the *Britain* Hiſtories: And the ſame Religion, ſo long ago begun, hath had this long Continuation ever ſince here, in this Realm, not only of the Inhabitants thereof, but alſo generally of all *Chriſtian* Men; untill the late Dayes of King *Edward* the Sixth, as is before ſaid: Whereby it appeareth unto al Men, that love to ſee and know, how that, by this Rule and Leſſon, the ancient Religion and manner of ſerving *God* whereof we are alredye in Poſſeſſion, is the very true Religion of *God*.

Touching the ſecond Rule of Tryal and Probation, whether of both theſe Religions is the better and moſt worthy of Obſervation here in this Realm, your Honors muſt obſerve, which of them both is the moſt ſtedfaſt Religion and always one and agreeable with itſelf. That the new Religion here now to be ſet forth in this Book, is no ſtedfaſt Religion, nor always one, neither agreeable with itſelf; who ſeeth it not, when, in the late Practiſe thereof in King *Edward* the Sixth's Days, how changeable and variable was it, in, and to itſelf; every other Year having a new Book deviſed therof, and every Book being ſet forth, as they profeſſed, according to the ſincere Word of *God*, though never any of them agreed in all Points with the other; the firſt affirming ſeven Sacraments and the real Preſence of *Chriſt*'s Body in the *Euchariſt*; the other denying the ſame; the one Book * adnulling the real Preſence of *Chriſt*'s Body in the ſaid Sacrament, to be received in one kind with kneeling down and Reverence and that in unlevened Bread; and the other, the Communion to be received in both kinds and in Loafe-Bread without any Reverence, but only to the Body of *Chriſt* in Heaven. But the thing moſt to be obſerved of your Honors is, how that of either Book, made a Shew to be ſet forth according to the ſyncere Word of *God*, neither of them both did agree with the other: And what great Mervayle I pray

* This is the Word uſed in the M S. but according to the Senſe, it ought rather to be *admitting*.

you, when the Authors and Deviſers of the ſame Books could not agree among themſelves, nor yet any one Man of them might be found that did long agree with himſelf? And for the Proof therof, I ſhall firſt begin with the *German* Writers; the chief Schole-maiſters and Inſtructors of our Countreymen in all this their doing. I do reade in an Epiſtle which *Philip Melanchton*, writ to one *Frederico Micenio*, how, that one *Carolaſtadius* was the firſt Man and Beginner of the late Sedition in *Germany* touching the Sacrament of the Altar, and the Denial of *Chriſt*'s real Preſence in the ſame, and when he come to interpret theſe Words of our Saviour *Chriſt*, *A cepit panem*, *benedixit*, *fregit*, *deditque diſcipulis ſuis*, *dicens*, *accipe & commedite*, *Hoc eſt corpus meum*, *quod pro vobis tradetur*. *Inquit ille*. *Monſtrabit viſibile corpus ſuum*. By which Interpretation of *Carolaſtadius*, *Chriſt* ſhould with one Hand point unto his viſible Body that was then preſent, and ſay, This is my Body which ſhall be betrayed for you. *Martyn Luther*, much offended with the fooliſh Expoſition made by *Carolaſtadius* of the Wordes of *Chriſt*, *Hoc eſt Corpus meum*, he giveth another Senſe, and ſaith that, *Germanus ſenſus Chriſti*, was this. *Per hunc panem*, *vel cum iſto pane*, *do vobis Corpus meum*. *Zuinglius*, finding much fault with this Interpretation of *Martyn Luther*'s, ſaying, that therein he was much deceived, wrote; In the Words of *Chriſt*, *Hoc eſt corpus meum*, this Verb Subſtantive *eſt*, muſt be taken for figurate; and this Word *corpus*, *pro figura corporis*: So that the true Senſe of theſe Words of *Chriſt*, *hoc eſt corpus meum*, muſt be taken for *ſignificat corpus meum*, *vel eſt figura corporis mei*. *Peter Martir*, being of late here in this Realm, in his Book, by himſelf ſet forth, of the Diſputation, which he had in *Oxford* with the learned Students there of this matter, giveth another Senſe of thoſe Words of *Chriſt*, contrary to all the reſt; and there ſaith this: Chriſtus, *accipiens panem*, *dixit*, *Hoc eſt corpus meum*; *quaſi diceret*, *Corpus meum*, *per fidem perceptum*, *erit vobis pro pane*, *vel inſtar panis*: Of whoſe Senſe the *Engliſh* is this: That *Chriſt*'s Body, recyved by Fayth, ſhall be unto you as Bread, or in the ſtead of Bread. But, to ceaſe to ſpeak any more of the *German* Writers, I ſhall draw nearer Home.

As unto Doctor *Cranmer*, late Archbiſhop of *Canterbury*, in this Realm: How contrary was he unto himſelf in this matter, when, in one Year, he did ſet forth a *Chatechiſme* in *Engliſh*, and dedicate the ſame unto King *Edward* the VI. wherin he doth moſt conſtantly affirm, and defend the real Preſence of *Chriſt*'s Body in the Holy *Euchariſt*: And, very ſhortly after, he did ſet forth another Book, wherin he did moſt ſhamfully deny the ſame; falſifying both the Scriptures and Doctors; to the no ſmall Admiration of all learned Readers? Doctor *Rydley*, the notableſt learned of that Opinion in this Realm, did ſet forth at *Paul*'s *Croſs*, the real Preſence of *Chriſt*'s Body in the Sacrament, with theſe Words, which I heard, being their preſent: How that the *Devil* did beleive, that the Son of *God* was able to make of Stones, Bread; and we *Engliſhe* People which do confeſs that *Chriſt* was the very Son of *God*, and yet will not beleive, that he did make of Breade, his verye Bodye Fleſhe and Bloode; therefore we are worſe than the *Devil*; ſeeing, that our Saviour *Chriſt*, by expreſſed Words, did moſt plainly affirm the ſame; when, at his laſt Supper, he take Bread and ſaid unto his Diſciples, "*Take ye*, *eat*;

"*this*

" *this is my Body, which ſhall be given for you* ;" and, ſhortly after, the ſaid Doctor *Rydley*, notwithſtanding this moſt plain and open Speech at *Paul*'s *Croſs*, did deny the ſame: and in the laſt Book, which Doctor *Cranmer* and his Complices, did ſet forth of the Communion in King *Edward* the VI. Days, the plain Words of *Chriſt*, *Hoc eſt corpus meum*, did ſo incomber them, and trouble their Wills, that they did leave out in the ſaid laſt Book, this Verb Subſtantive *eſt* ; and made the Senſe of *Chriſt*'s Words, to be *engliſhed*, *Take*, *eat*, *this my Body:* Which thing being eſpied by others, and great Fault found with them, they wer fain to patch up the matter in a little Piece of Paper clapped over the foreſaid Words, wherein was written this Verb Subſtantive *eſt*.

The dealing herewith, being ſo uncertain, bothe of the *Germane* Writers and *Engliſhe*, and one of them ſo much againſt another ; Your Honours may be well aſſured, that this Religion, which by them is ſet forth, can be no conſtant nor ſtaied Religion ; and, therefore, of your Honours not to be received ; but great Wiſdom it were of your Honours to refuſe the ſame, untyll you ſhall perceive better Agreement among the Authors and Setters-forth of the ſame.

Touching the third and laſt Rule, of tryal-taking, and putting of Difference betwixt theſe Religions, it is to be conſidered of your Honours, which of them both doth breed more obedient and humble Subjects: Firſt, and chiefly, unto our Saviour and Redeemer: Secondly, unto our Sovereign Lady the Queen's Majeſty, and to all other Superiours: And for ſome Tryal and Probation thereof, I ſhall deſire your Honours to conſider the ſudden Mutation of the Subjects of this Realm, ſince the Death of good Queen *Mary*, only cauſed in them by the Preachers of this new Religion: Where, in Queen *Mary*'s Days, your Honours do know right well, how the People of this Realm did live in an Order, and would not run before Laws ; nor openly diſobey the Quene's Highneſs Procedings and Proclamation. There was no ſpoiling of Churches, pulling down of Altars, and moſt blaſphemous treading the Sacraments under their Feet, and hanging up the *Knave* of *Clubs* in the Place thereof: There was no ſcratching nor cutting of the Faces and Legs of the Crucifix and Image of *Chriſt:* There was no open Fleſh-eating, nor Shambles-keeping in the Lent, and Days prohibited: The Subjects of this Realm, and eſpecially the Nobility, and ſuch as were of the honourable Council, did in Queen *Mary*'s Days, know the Way unto Churches and Chappels, thereby to begin their Days-Work, with calling for Help and Grace by humble Prayer and ſerving of *God:* And now, ſince the Coming and Reign of our moſt ſoveraign and dere Lady Queen *Eliſabeth*, by the only Preachers and Scaffold-Players of this new Religion, all Things are changed and turned up ſett down, notwithſtanding the *Queen*'s Highneſs Proclamations, moſt godly made to the contrary, and her moſt vertuous Example of living, ſufficient to move the Hearts of all obedient Subjects unto the divine Service and Honor of *God*. But Obedience is gone, Humilitie and Meekneſs clean aboliſhed, virtuous, chaſte, and ſtrait Living abandon'd, as though they had not been heard of in the Realm ; all Degrees and Kinds being deſirous of fleſhly and carnal Liberty, whereby the Springalls and Children are degenerate from their natural Fathers, the Servants Contemtors of their Maſter's Commandments, the Subjects diſobedient unto *God* and all ſuperior Powers.. And therefore, honourable and my very good Lords, of my

Part,

Part, to miniſter ſome Occaſion unto your Honours, to avoyd and expel out of this Realm this new Religion, whoſe Frutes are ſo well known to be as I have repeted, and to perſuade your Honours to avoyd it as much as in you lieth; to perſevere and continue ſtedfaſtly in the ſame Religion whereof you are in Poſſeſſion, and have already made Profeſſion of the ſame unto *God*, I ſhall rehearſe unto your Honours Four Things, wherby the holy Doctor Saincte *Auſtine* was continued in the Catholic Church and Religion of *Chriſt* which he had received, and would by no means change nor alter the ſame. The firſt of theis Four Things was, *ipſa autoritas Eccleſiæ Chriſti miraculis inchoata, ſpe nutrita, charitate cincta, vetuſtate firmata.* The ſecond Thing was, *populi Chriſtiani conſenſus et unitas.* The third was, *perpetua ſacerdotum ſucceſſio in ſede* Petri. The fourth was, *ipſum Catholice nomen.* If theſe four Things did cauſe ſo noble and learned a Clerk as St. *Auſten* was, to continue in his profeſſed Religion of *Chriſt*, without all Chaunge and Alteration, how then ought not theſe Four Poincts to work the like Effect in your Honours; and not to forſake your profeſſed Religion. Firſt, becauſe it hath Authoritie of *Chriſt*'s Church. Secondly, becauſe it hath Conſent and Agrement of *Chriſtian* People. Thirdly, it hath the Conformity of all *Peter*'s Succeſſors in the See Apoſtolique. Fourthly, it hath *ipſum Catholice nomen*; and in all Tymes and Seaſons, been called the *Catholic Religion* of *Chriſt*. Thus bold have I been to trouble your Honours with ſo tedious and long Oration, for the Diſcharge, as I ſaid before, of my Duty, firſt unto *God*, ſecondly unto our Sovereign Lady the Queen's Highneſs, thirdly and laſt, unto your Honours, to take in good Part, and to be ſpoken of, for the only Cauſes aboveſaid, and for none other.

Some

Some Obſervations concerning the regulating of Elections for Parliament, found among the Earl of *Shaftsbury*'s Papers after his Death, and now recommended to the Conſideration of this preſent Parliament.

[*That is to ſay, the Convention Parliament: for it was not till then, that theſe Obſervations were made public. In the Title Page we, moreover, find theſe authoritative Words,* WITH ALLOWANCE: *And not to inſiſt, that they were printed for* Randal Taylor, *whoſe Name we find prefixed to many of the moſt noted* Whigiſh *Papers of thoſe Times, it is reaſonable to conclude, from the Goodneſs of the Paper and Print, the Correctneſs of the Text,* &c. *that it was neither publiſhed by a common Hand, nor as a mere Matter of Amuſement. But whatever Streſs was laid upon it, or the great Name that appeared like a Letter of Recommendation in the Front of it, the Parliament ſhewed no Inclination to adopt the Syſtem it contains, or to make any Alterations in their own: Notwithſtanding one of the Patriot-Parliaments in the Reign of* Charles II. *under the Direction of that very Earl, had in Part ſet them the* * *Example.*]

THE Parliament of *England* is that *Supreme and Abſolute Power*, which gives Life and Motion to the *Engliſh* Government. It directs and actuates all its various Procedures; is the Parent of our Peace, Defender of our Faith, and Foundation of our Properties; and as the Conſtitution of this great *Spring*, and *Primum Mobile* of Affairs, is in Strength and Beauty, ſo

* As appears by the following Draught of a Bill for regulating the Abuſes of Elections, which was read a ſecond Time, and committed, by the Houſe of Commons, upon *Saturday* the 5th of *April*, 1679. and afterwards offered as Advice to the Conſideration of the whole Kingdom.

"FOR the remedying the many and great Diſorders, Miſcarriages, Inconveniences, Diſputes, and Conteſts, ariſing about the Elections and Returns of Knights, Citizens, and Burgeſſes to ſit in Parliament, Be it Enacted by the King's moſt Excellent Majeſty, Lords Spiritual and Temporal, and Commons aſſembled, That for the Time to come, every Perſon that at the Time of any Election of Knights of any Shire or County at large, is, and by the Space of one Year next before ſuch Election, hath been a Houſholder and Inhabitant in the ſame County, and within the ſame by all that Time hath been (without Fraud or Deſign thereby to enable himſelf to give Voice) charged, rated, taxed to, and have paid and borne his Scot and Lot towards the Maintenance and defraying the Poor, and other public Charges and Payments, and who is not under one and twenty Years of Age; and is worth two Hundred Pounds in Fee, clear Eſtate of his own, over and beſides his Debts, Charges, and Engagements by him owing and payable, or engaged in; and none other ſhall have Vote, Voice, and be Elector of Knights of the County or Shire wherein he ſo inhabits or dwells. That in every In-Shire City or Town that is both City and County, and in every other City, Town, Burrough, or Place, that now

ſo will alſo all *Acts* and Performances which are derived from it, bear a ſuitable Proportion and Similitude. For whether the Conſtituting Members of this Great *Body* be *ſuch*, as may give it the Denomination of *Sanctum*, *Indoctum* or *Inſanum*, (by which Epithets ſome former Parliaments have been known and diſtinguiſhed)

now do, or hereafter ſhall ſend Members to the Parliament (except the Cities of *London*, *York*, *Norwich*, *Exeter*, and *Briſtol*) every Perſon at the Time of ſuch Election of Members to ſit in Parliament for any ſuch Place, that, at the Time of ſuch reſpective Election, and by the like Space of one Year before, hath been a Houſholder and Inhabitant within ſuch reſpective City, Town, Borough, or Place (except before excepted) and by all that Time hath been there charged, rated, taxed, and paid Scot and Lot, without Fraud, as aforeſaid; and not under one and twenty Years of Age, and none other, ſhall have Vote and Voice, and be Elector in ſuch reſpective City, Borough, Town, or Place, any Law, Charter, or *non obſtante* in any Charter to the contrary notwithſtanding. And that the reſpective Sheriffs, and other Officers, to whoſe Care and Management the Elections are committed, have hereby Power and Authority to adminiſter unto, and to examine upon Oath, the Parties themſelves concerning the Qualifications and Matters aforeſaid. That for the future, no Perſon by himſelf, or others, by or with his Conſent and Approbation, ſhall, by feaſting, treating, entertaining with Meat, Drink, or otherwiſe; or by Bribes, Preſents, Rewards, or Gifts, given, ſpent, promiſed, or engaged to, upon or amongſt the Electors, or to or for their Uſe or Benefit, or to or for the only Benefit or Advantage of any County, City, Town, or Place, ſending Members to Parliament, or the Inhabitants thereof, or under any pretended Charity for the Poor of any ſuch Town or Place, directly, or indirectly, labour or endeavour to obtain or procure Elections of any Perſon, or Perſons, to be Members or Repreſentatives to ſit in Parliament, under the Pains and Penalties enſuing, (to wit) that every ſuch Perſon ſo labouring or endeavouring by any ſuch undue and illegal Ways and Means, ſhall be hereby diſabled and uncapable of being or ſitting as a Member of that Parliament, and alſo ſhall forfeit the Sum of five Hundred Pounds: And that the City, Town, or Place, where any ſuch Feaſting, Treating, or Entertaining ſhall be manifeſtly and notoriouſly admitted or ſuffered, ſhall from that Time forfeit their Privilege of ſending Members to Parliament: And in lieu thereof, an Election to be made of Members in their Stead in ſome other Town, or Place, within the ſame County, or elſe in the County at large, as the Houſe of Commons in the next enſuing Parliament, that ſhall have or take Notice of ſuch Forfeiture, ſhall appoint and direct. And it is hereby further Enacted, That all and every Juſtice of the Peace, Mayor, Bailiffs and Conſtables, having Juriſdiction or Authority in any ſuch Town, or Place, for the ſuppreſſing and preventing the Miſdemeanors and evil Practices aforeſaid, are hereby commanded and required not to permit any ſuch Feaſtings, Treatings, or Entertainments, for or in order to the End aforeſaid, but upon Oath and Examination (which they are hereby empowered to adminiſter) or upon their own View, to arreſt and apprehend all ſuch Miſdoers, and them to commit to Goal, there to remain, till they give good and ſufficient Security, not to offend in that kind for the future, and appear at the next Aſſizes, or General Seſſions of the Peace for the County, or Place, where the Offence ſhall be committed, there to be proceeded againſt, and puniſhed for his ſaid Offence according to Law: And that if any of the Officers or Miniſters aforeſaid, having Information upon Oath, or other ſufficient Evidence of the Fact, ſhall refuſe or neglect to do his Duty herein, he ſhall forfeit the Sum of one Hundred Pounds for every ſuch Neglect or Refuſal: And that if any Mayor, Recorder, Alderman, Town-Clerk, Burgeſs, Portreeve, Bailiff, Magiſtrate, or Officer, ſhall permit or ſuffer himſelf to be feaſted, treated, or entertained, or ſhall directly or indirectly accept, take, or receive any Bribe, Gift, Preſent, or Reward, to the Intent and End aforeſaid, he is hereby diſabled to give any Vote, or to be Elector; and moreover, ſhall for every ſuch Offence

diſtinguiſhed) ſuch will alſo be, all the *Acts* and Statutes which are made by them, each naturally wearing the Character and Likeneſs of that, to which it owes its Being.

This Great Council bears a Date, coævous perhaps with the Originals of our Government, and was conſtituted with ſufficient Prudence and Caution, with relation

fence forfeit the Sum of one Hundred Pounds. And it is hereby likewiſe enacted, that no Writ or Suit ſhall be hereafter ſued, proſecuted, or proceeded for Wages, or any Sum or Sums of Money due or demandable for Wages, by any Knights, Citizens, or Burgeſſes, for or in reſpect of their Services in Parliament; but all ſuch Wages are, and from henceforth ſhall ſtand releaſed and diſcharged; and for the avoiding of the Abuſes and undue Means too often uſed by Sheriffs, Under-Sheriffs, Mayors, Bailiffs, and Officers, about ſuch Election and Returns, and that there may be juſt, fair, and legal Elections and Returns hereafter made, be it further enacted by the Authority aforeſaid, That no Sheriff, Portreeve, Bailiff, Magiſtrate, or Officer (except only when Need requires, from the Evening to the Morning of the next Day ſucceeding, till Election be determined, or to ſome convenient Place within two Miles of the Town, or Place, appointed, or ſet, for ſuch Election) ſhall adjourn the ſaid Election from that Day or Place appointed or ſet for the ſame, but ſhall fairly and indifferently proceed to finiſh the Election as ſoon as conveniently he can at the Time and Place appointed, without any other Adjournment *de facto* be made contrary to this Act, the Proceeding afterward ſhall be void, and the Perſon that had the Majority of Voices at the Time of ſuch unlawful Adjournment, ſhall be the Perſon duly elected, and ſhall be returned ſo to be: And if any Perſon ſhall hereafter be, for Conſideration of Money, Bribes, Preſents, Gifts, or Rewards, directly or indirectly, given or promiſed, or engaged to be given, or for Fear or Favour, by any Sheriff, Mayor, Bailiff, Portreeve, or Officer, wrongfully and unduly returned, to be the Perſons elected, which in Truth and Reality was not; or if any Sheriff, Under-Sheriff, their Clerks, or Miniſters, or any Mayor, Recorder, Town-Clerk, Portreeve, Bailiff, or other Officer, or Magiſtrate, intruſted with the ordering or making ſuch Election, or Returns, ſhall fairly, juſtly, honeſtly, and impartially, according to the beſt of his Skill and Diligence, act and do his Duty in the Premiſes; in every ſuch Caſe the Party offending ſhall forfeit, if a Sheriff, the Sum of five hundred Pound, if a Mayor, or other Officer, or Miniſter, two hundred Pound, and treble Damages to the Party grieved; and that all Securities, Promiſes, and Engagements made or given to any Officer, for the indemnifying or ſaving harmleſs concerning the Premiſes, ſhall be abſolutely void, and of no Effect; and every Party giving or making ſuch Securities, Promiſes, or Engagements, to forfeit five hundred Pound for his Offence in ſo doing: And further for the avoiding all Exactions, Extortions, and Briberies, under the Pretence of Gratuities, Preſents, or Recompence, for Diſpatch, or towards Charges, or otherwiſe, by any Sheriff, Under-Sheriff, Sheriff's-Clerk, or Miniſter, or by any Mayor, Portreeve, Bailiff, or other Officer, or Miniſter, hereafter to be taken: Be it enacted, that none of the ſaid Officers, or Miniſters, ſhall directly, or indirectly take, have, or receive, or agree, or contract to have or receive, for any Warrant, or Preſent, upon, or by Vertue of any Writ for Election for Parliament, or for any Return of any Writ, Mandate or Precept, above the Sum of Two Shillings and Six-pence, under the Pain of forfeiting ten Times as much as he ſhall in ſuch Caſe take over, and beſides the Sum of Two Shillings and Six-pence, together with Coſts in every ſuch Suit to be recovered: All and every the Penalties and Forfeitures aforeſaid (except the ſaid Forfeitures of treble Damages) to be recovered by him, or them that ſhall, and will ſue for the ſame, in any Court of Record, within the Space of one Year next enſuing ſuch Cauſe of Action accrued; in which Suit there ſhall be no Allowance of, or Admiſſion of any Privilege of Parliament, or other Privileges, or of any Protection, or Injunction;

relation to the Innocence and Ignorance of the Times and People then in being. It was *then*, that a *Deed* of three Inches ſquare, was ſufficient to convey away twenty good Manors and Lordſhips. But *Subtilty* and Cunning having now made ſome bolder Advances into the World, we are forced to alter our Meaſures, and inſtead of Inches to take Ells. It ſeems therefore neceſſary, as in Things of ſmaller Concernment, ſo moſt eſpecially in Matters of ſo much greater Moment, (as is the ſettling and fortifying our Parliament) ſo to erect its Bulwarks and Rampiers, that the moſt vigorous Attacks of Fraud and Corruption may make no Breaches or Inroads into it. It is here, our Care and Diligence ought to be applied with the greateſt Exactneſs; for as our Laws and Government are eſtabliſhed, we can derive our Happineſs or Miſery from no other Source. It is from the Fruit of this Great Council that we muſt expect our Nutriment, and from its Branches our Protection; I hope therefore it may not ſeem over officious, if, with the ſkilful Gardener, I do open and expoſe the Roots of this great Tree of the Commonwealth, with an Intent that every Branch and Fibre may with the greater Eaſe and Conveniency, be ſo trimmed and laid, that no Defects or Redundancies may continue; but that every Individual of this *Great Body* may happily conſpire to produce that Peace and Tranquility in the Nation, which may be expected from their Councils, and a well conſtituted Government.

It

Injunction; nor of any Plea of another Action, or Information for the ſame Offence depending (except Oaths be made in the Court, where ſuch Plea ſhall be pleaded by both the Defendant and Plaintiff, and real Proſecutor therein, that the ſame is really and *bona fide*, brought for Recovery of the Forfeiture herein, without any Fraud or Deſign to excuſe or defend the Offender from the Forfeiture by the Statute impoſed) which the Court where ſuch Pleas ſhall be pleaded, are hereby enabled to examine, and according to the Truth and Reality thereof, to allow the ſaid Plea, or not; and for the better Obſervation of this Act, all Sheriffs of Counties at large, ſhall in the Place where Election is to be made, immediately before they proceed to take the Votes of the Electors, cauſe this Statute to be audibly read in the Preſence of the Electors; and that all Sheriffs of Inn-ſhires, or Cities, or Towns that are Counties of themſelves, Mayors, Portreeves, Bailiffs, and other Officers, and Miniſters reſpectively, ſhall immediately after the Receipt of any Writ, or Precept, for ſuch Election, or certain Knowledge of a Parliament to be choſen, ſet up this Act in their reſpective Halls, or other public Places, to be read and viewed; and alſo on the next Lord's Day after ſuch certain Notice of ſuch Parliament to be choſen, or after Receipt of ſuch Writ, Precept, or Mandate for ſuch Election, and before the Time of Election, and the Time of the Election, cauſe and procure this Statute to be publicly and audibly read in the Churches of their Counties, Cities, Towns, or Boroughs, where ſuch reſpective Elections are to be, immediately after Divine Service ended, and before the People aſſembled are departed. And further, for the Prevention of the long Continuance of any Parliament for the future, and thereby depriving the King and Kingdom of the Benefits of ſucceſſive Parliaments, it is hereby enacted, that no Parliament ſhall hereafter have Continuance in any Manner, Prorogation, or Adjournment, or Seſſion, or partly by one and partly by the other, or otherwiſe howſoever, for above the Space of *two Years* from the Day of the Return of the Writ of Summons next enſuing, but at the End of the ſaid two Years ſhall be *ipſo facto* diſſolved: And that in every Indenture hereafter to be made or ſealed by any Electors, therein inſerted, that the Perſon or Perſons are hereby authoriſed to ſerve in Parliament for the Space of two Years, from the Day of the Return of ſuch Writ of Summons next enſuing, if the ſaid Parliament ſhall ſo long continue, and no longer.

It ſeems then reaſonable to believe, that the Privilege of ſending Repreſentatives to Parliament, (though grounded upon a natural and fundamental Right in the People) was at firſt immediately derived from the King; for that, where Hiſtories and Records begin to tranſmit Memorials to ſucceeding Ages, we find him ſending his Writs, directed to ſuch Perſons, Towns, or Vills, which he thought moſt conſiderable within the Kingdom; by Virtue of which Writs, Elections were accordingly made, and Repreſentatives returned to Parliament. That the King's Prerogative does ſtill extend to grant this Franchiſe to ſuch other Towns or Villages as he ſhall think fit, I cannot affirm, becauſe ſome * Learned in the Law aſſure us it cannot legally be done, but by Act of Parliament. But others are again of a contrary Opinion, as was adjudged in the Caſe of † *Duncannon* and ‖ *Newark*. It is certain, that Parliamentary Matters were never ſettled otherwiſe than by Act of Parliament, as appears ‡ by ſeveral Statutes in ſuch Caſes made; and we alſo find the Privilege of ſending Members to Parliament, given to ſeveral Places by ** Act of Parliament, which had been unneceſſary, could the King alone have granted it by any other Method. It is, moreover, a Thing of very dangerous Conſequence, to have ſuch a Power lodged in the King alone; for then he might thereby infranchiſe what Number of Vills he pleaſes, and by the ſame Power place the Election of their Repreſentatives in a ſelect Number, ſuch as he ſhould always have the Power to direct and appoint; which would be in Effect to chuſe his own Parliament, and thereby to make or repeal what Laws he pleaſes. Wherefore I conceive this Point ought now to be ſettled, ſo as for the future to obviate all ſuch Inconveniencies which might otherwiſe enſue.

Another Thing, which alſo requires the Care of this Great Council, is to limit and reſtrain the Exorbitancies of a *Quo Warranto*, ſo that the Electing Boroughs may have their Privileges and Immunities ſecured, from the Judgment of a corrupt Judge, who derives his Being, and holds his judicial Breath only *ad voluntatem Domini*. If this Grievance be not obviated by ſome good Law, a King may as well deſtroy all the old Boroughs, as erect new ones, to the inevitable Overthrow of our Laws and Government.

In the next Place, I conceive it may become the Prudence of this Parliament (from which we may expect the Foundations of our Happineſs will be ſo laid, as to become impregnable againſt all the future Aſſaults of an invading Tyranny) to look into the Conſtitutions and Cuſtoms of ſuch Boroughs which have Right to elect, and which, in ſeveral Particulars, ſeems to require a Touch of the Supreme Authority to ſet them right. The firſt Inconvenience they labour under, is the Variety of their reſpective Titles; ſome claiming to elect by Preſcription, others by Grant; ſome again by a ſelect Number, others by the Populacy; ſome by the Magiſtrate and Burgeſſes, others by the Magiſtrate, Burgeſſes, and Freemen; others again by the Magiſtrate, Burgeſſes, Freemen, and Commonalty, and ſome alſo in reſpect of their ancient Borough Houſes only; the reſt of the Town, which is the much more conſiderable Part, being

 excluded.

* *Pryn*'s Regiſter of Parliament Writs, 1 Part, f. 238. b.

† *Hob.* Rep. f. 14.

‖ Journal of the Commons Houſe.

‡ 5 *R.* II. c. 4. 1 *H.* V. c. 1. 23 *H.* VI. c. 15.

** 27 *H.* VIII. c. 26. 34 *H.* VIII. c. 13. 35 *H.* VIII. c. 11.

excluded. The Grievance which grows from this Difference of Title in ſeveral Boroughs, is often Ambiguity and Uncertainty of Title in the ſame Borough; for ſometimes the ſelect Number contends with the Community, one Borough Houſe with another, *&c.* And from hence it is, that we have uſually ſo many Petitioners in each Parliament, the Magiſtrate not knowing which of Right ought to be returned. Nor can a Committee of Elections ever ſettle their reſpective Titles, by a final determinative Judgment; for we find it often giving an Opinion upon one and the ſame Title, and in the ſame Borough, differently, as Favour and Power can make the ſtronger Intereſt. All this may be remedied by an *Act*, which ſhould give one and the ſame new Title to all the Electing Boroughs in *England* and *Wales*, by which alone, they ſhould all, for the future, claim to ſend Members to Parliament; thereby ſettling the Electing Power in ſuch Perſons, (whether they be a ſelect Number, or the whole Populace) as in Prudence ſhould be thought moſt convenient.

The Deſign of chuſing the Members of Parliament by the People, was, that no Laws ſhould be made, no Monies raiſed, nor any Courſe purſued, by thoſe who ſit at the Helm, but with the Steerage and Direction of the People, by their Repreſentatives. Now by all the Laws and Rules of Repreſentation, no Town, City, or Body of People, can be repreſented without a Vote in the Choice of their Repreſentative. That the Parliament, as now conſtituted, is no equal Repreſentative of the People, is notorious; in that ſeveral Boroughs, ſo inconſiderable, that they contain not above three or four Houſes, ſend each of them two Repreſentatives to Parliament, whilſt others (which contain an Hundred times their Number of Houſes, People, Trade, and Wealth) have no Repreſentative at all in the Management of Public Affairs. So alſo the County of *Cornwall* ſends no leſs than forty three Members to Parliament, whilſt the City, and whole County of *Cheſter* ſends but four, and the twelve Counties of *Wales* but twenty four amongſt them all.

From this Inequality of Repreſentation, it follows, that *Acts* are often made which redound to the Prejudice of the whole Body of the People, merely to advance the Gain and Advantage of ſome particular Places; as was that which prohibited the Importation of *Iriſh* Cattle, being carried principally by the ſupernumerary Votes of ſome Counties, which have more Electing Boroughs, than, upon a juſt and equal Dividend, do fall to their Share; and theſe being generally of a dry and barren Soil, are thereby chiefly adapted to the Breeding of Cattle; which Benefit would have been diminiſhed by an Inlet of Beaſts from *Ireland*. This Inconvenience may be eaſily removed, by depriving Towns of leſs Note of this Franchiſe, and beſtowing it upon others of greater Conſideration in the ſame, or in other Counties, which moſt want it, as do thoſe of *Cambridge*, *Bedford*, *Hertford*, *Huntingdon*, &c.

Where the Electing Right is committed to a ſelect Number, I think it were deſirable, that the Electors ſhould be choſe annually, and not be Tenants for Life in their Electorate; this would in a great Degree prevent Pre-engagements, and Corruption, which often happens where a Power by long Continuance in one Perſon, is apt to ſtagnate and putrify.

The great Number of Electors in *Popular* Boroughs, and in chuſing Knights of the Shire, requires to be regulated and limited, and the Power of

Election

Election to be fixed in the Optimacy only. My Reaſons for this are, that amongſt the Electing Crowd, the Majority is generally of a mean and abject Fortune in the World, and thereby ſubject not only to Diſorders and Quarrels, but to be miſguided alſo by their Ignorance, and total Want of that diſcerning Faculty, which Electors in ſuch weighty Concerns ought to have; they are moreover under the Temptation of being corrupted and ſeduced by the Inveiglements, of a little Money, or a Pot of Ale: whilſt thoſe whoſe Circumſtances are more enlarged, have their Thoughts ſo likewiſe; being thereby raiſed beyond ſuch low Allurements, and rendered more careful how, and into whoſe Hands, they diſpoſe of this great Truſt, the Breach whereof might at once rob and deprive them of that their Subſtance, which has been the Acquiſition perhaps of ſome Ages. It was for thoſe and ſeveral other Reaſons mentioned in the Preamble, that by the Statute of the 8 of *Henry* VI. c. 7. it was enacted, that no Knight of the Shire ſhould be choſe by any, who had not a Freehold of the clear Yearly Value of 40*s. per annum*, which was then as much in Value as 40*l. per annum* is now, or has been, ſince the finding out of the *American* Treaſure, and the Enlargement of our Trade. And I think it but reaſonable that as the Value of Money falls, ſo the Wealth of the Electors ſhould riſe, and that electing Votes in the County ſhould again be limited to ſuch only, who now have Lands and Tenements to that Value, which 40*s. per annum* bore in thoſe Times when this Act was made. If this particular were thus regulated, the Numbers at the County Elections would be reduced, probably to a fourth Part of what they now are, and thereby the unreaſonable Expence in entertaining ſo great a Crowd, and the great Dangers which may accrue from ſuch an ungovernable Multitude, would be in a great Degree avoided and prevented.

As the Perſons electing ought to be Men of Subſtance, ſo in a proportioned Degree ought alſo the Members elected. It is not ſafe to make over the Eſtates of the People in Truſt, to Men who have none of their own, leſt their Domeſtic Indigencies, in Conjunction with a foreign Temptation, ſhould warp them to a contrary Intereſt, which in former Parliaments we have ſometimes felt to our Sorrow. Wealth and Subſtance will alſo give a Luſtre and Reputation to our great Council, and a Security to the People; for their Eſtates are then pawned, as ſo many Pledges for their good Behaviour, becoming thereby equal Sharers themſelves in the Benefit or Diſadvantage which ſhall reſult from their own Acts and Councils.

Thus a good Eſtate may be a good Security to engage Faith and Honeſty; but he who ſits at the Helm of Government, ought not only to be a Graduate in Fortune, but in Prudence and Experience alſo. To me it ſeems extremely irregular, to ſee the unfledged Youth make his firſt Advances into the World, in the Quality of a Burgeſs for Parliament, choſen upon no other Account, but becauſe it was his Fortune, by his Father's early Death, to become the Landlord of a Neighbouring Borough, or is perhaps it's beſt Cuſtomer, deriving from thence the Neceſſaries of a numerous Family. Forty Years (whereof twenty-five are generally ſpent in Childhood and Vanity) ſeem to be few enough to entitle any one to the Grandeur and Gravity of an *Engliſh* Senator; and why ſo many, who ſeem by their Greenneſs to be as yet but a Novelty to the World, ſhould

ſhould be admitted to a Place in this Great Council, whilſt thoſe of greater Age, Wiſdom, and Experience muſt be excluded, I do not underſtand.

By the 1 *H.* V. *ch.* 1. it is Enacted, that every Knight of the Shire ſhould be choſen out of ſuch who are Reſident in the County, and every Citizen and Burgeſs, from amongſt the Citizens and Burgeſſes of the Cities and Boroughs electing. How far this Act ought to be obſerved, will be worth Conſideration; for a Confinement in this Caſe, ſeems to be an Abridgment of a free Choice, and it often happens, that Men of the greateſt Knowledge and Experience in the Affairs of the Kingdom, have their Abode principally in the Metropolis, eſpecially ſuch of the long Robe, who by their Profeſſion are obliged to it. But the Non-obſervance of this *Act* on the other ſide, has been often the Occaſion that Courtiers have bolted into Country-Boroughs, and by the Strength of their Purſe, and liberal Baits, have ſo ſeduced theſe poor Rural Animals, as to obtain an Election from them, though to the Ruin and Overthrow of their own Laws and Liberties. The chuſing of ſuch Men to ſerve in Parliament, might probably be obviated, by an Act, prohibiting the Expence of any Money by Treats or otherwiſe, in order to be elected, it being only to theſe indirect Methods, that ſuch Perſons uſually owe their Succeſs.

But when all is done, it will be found difficult (though with the greateſt Art) to bring an old, irregular Structure into a convenient Uniformity, otherwiſe than by razing it to the Ground, and erecting a new Pile by ſome better contrived Deſign. For although all the Defects and Irregularities in the Election of Members for Parliament before-mentioned, ſhould be removed and altered, yet there ſtill remains ſomething in the very Conſtitution of this Part of our Government, which is not ſo agreeable to a curious Thought. A true and perfect Model to build by, is what I dare not pretend to give, yet that which follows may afford ſome Hints and Aſſiſtance to a better Fancy and Judgment.

In reſpect then, that every individual Perſon in the Nation, has a natural Right to vote in this great Council; but this being impracticable, they are forced to do it by Proxy (that is) by devolving this Right upon certain common Repreſentatives indifferently choſen, for certain ſelect Numbers and Communities of Men, in which the whole Body of the People is, or ought to be comprehended; and whereas, every *Pater-Familias*, or Houſe-Keeper, is a natural Prince, and is inveſted with an abſolute Power over his Family, and has by neceſſary Conſequence, the Votes of all his Family, Man, Woman, and Child included in his; let then the Sheriffs Precepts be directed to every Pariſh within his County, which the next *Sunday* following the Receipt thereof, may be publicly read after the Forenoon Sermon in Church; thereby giving notice to all the Houſe-keepers in the Pariſh, to meet at a convenient Place, and certain Hour the Day following, in order to chuſe an Elector for the County. Let alſo the Church-Wardens of each Pariſh prepare a Liſt of eight or ten of the moſt eminent Perſons for Wealth, Gravity, and Wiſdom in their Pariſh; this Liſt to to be brought the next Day to the Place of Election, to this purpoſe, that every Houſe-keeper do, by a Dot with a Pen, adjoined to the Perſon's Name whom he inclines to elect, declare his Choice; and that by the Plurality of Dots, the Elector be returned by the Churchwardens to the Sheriff. This done in each Pariſh, let the Sheriff prepare a Liſt in the ſame manner, of the

he Names of all the Gentry in the County, who are each worth in Lands and Moveables at leaſt 10000*l.* all Debts paid, and not under forty Years of Age; which being in readineſs, let all the Repreſentatives of Pariſhes, choſen as aforeſaid, repair to the County Town the very next Day after the Pariſh Election is over, and there proceed to elect out of the Sheriffs Liſt, ſeven, nine, or eleven Members to ſerve in Parliament, or ſo many as upon a juſt Dividend, ſhall be thought expedient to compleat the Number of Members, which are to act in this great Council.

Before the Electors proceed to chuſe for the County, it might probably be convenient to adminiſter an Oath to this Purpoſe: *That their Vote is no way pre-engaged; and that they will chuſe, without Favour or Affection, ſuch Members as in their Conſcience they do believe moſt fit to ſerve in Parliament.* And that to the *Members elected*, upon their Admiſſion to the Houſe, this Oath, together with the others in uſe, be adminiſtered, *viz. That they are worth* 10000 *l. all their Debts paid; and that directly, or indirectly, they did not expend any Money, or Gratuity whatſoever, in order to their Election; and that they neither have, nor will receive any Gratuity whatſoever, upon the Account of their Vote in Parliament; but that they will in all Matters that ſhall come before them, act uprightly according to their Conſcience and Underſtanding, without any private Deſign, Favour, or Affection to any.*

That, to prevent the Inconveniencies of Fear and Favour in Electing, the Method be ſuch, that none may know on whom the Electors Votes were conferred; and it may be thus performed. Suppoſe a Room with two oppoſite Doors, and a Table in the middle, on which the Liſt ſhall be ſpread. All the Electors being at one Door, let them go in one by one, each writing down his Dots, and going out of the Room at the other Door before another comes in; or if this may prove tedious, it is only placing more Tables in the Room, with every one a Liſt on it, and ſo many may then be admitted in at once, as there are Liſts, which will make greater Diſpatch, and yet no Diſcovery, in that every Liſt is upon a ſeparate Table. To prevent alſo all Fraud and indirect Practice, it will be convenient that the Officers concerned in the Elections, both in Pariſhes, and in the County, be upon their Oaths. It is alſo fit that a limitted Allowance be made for the Expence of the Day, which is to be in Pariſhes, at the Pariſh Charge, and in the County Town, at the Charge of the County.

If any Controverſy ariſe about Elections, either in the Pariſhes or Counties, (which in this Method can ſcarcely be ſuppoſed) it may be decided by the Votes of the remaining Perſons upon the Liſt, who pretend to no Election. If ſeveral Perſons happen to have an equal Number of Votes, it ſhall be determined by Lot. If any Perſon, from any Part of *England*, ſhall ſend his Name to any particular County, to be inſerted in their Liſt, as a Perſon qualified to ſerve in Parliament; it may be done; but none to ſtand Candidate, in more than one Liſt at a time, leſt he ſhould be choſen in both Counties, and ſo occaſion the Trouble of a new Election. That the ſame Liſt of Candidates ſhall continue till the Diſſolution of the Parliament, if it ſits not above three Years; and upon the intermediate Death or Removal of any of the Members for the County, then he who had the next Majority of Votes upon the Liſt, to ſucceed in his Place, without further Trouble or Charge of Election.

By

By this Method, the Parliament will be a perfect Representative of the whole Body of the People, and also of every numerical Person in the Kingdom. Here can be no partial (and consequently prejudicial) Acts made by separate Interests and Factions: None will sit in this Great Council but Men of Gravity, Wisdom, Integrity, and Substance: No pensionary Members; no unfair Elections; no foul Returns; no Petitioners kept in Attendance till a Dissolution; no *Quo Warrantos* to destroy the natural fundamental Rights of the People; no room for Corruption, Bribery, and Debauchery, either in the Electors, or the Members elected; no Patrimonies wasted in the Extravagancies of an Election; no Bankrupts shrouding themselves under the Shelter of a Parliamentary Privilege; no unruly Rabbles, Tumults, Factions, and Disorders in Election, amongst the Commonalty; no Heats and Animosities amongst the Gentry, often caused by their violent Competitions: But all will be managed with that Evenness, Justice, and Temper, that nothing can more effectually conduce to the securing of our Liberties and Properties, the Grandeur of our Government, and the Honour of our Nation, than such an Establishment.

A LETTER to a PERSON of HONOUR, concerning the *BLACK BOX*.

[*Under this mysterious Title, the Reader will find one of the most bold and notable Efforts that ever was made, by any Faction mentioned in History. The Enemies of the Duke of* York, *came to a Resolution to disappoint him of the Succession at all Hazards; in order to which, they endeavoured to seduce both the King and the People into their Measures: The Latter by establishing it as an irrefragable Truth, that a* Papist *could never be a fit* Defender *of the* Protestant *Faith; and the Former by all the Practices that could be tried on all the Passions of Man: Having discovered that his Majesty was not over-fond of his Queen, they not only furnished him Pretences to sue out a Divorce, but offered him all the Assistance in their power to obtain one: Believing that he was jealous of his Brother's superior Reputation, as also that he stood in some Awe of his dangerous Temper, they contrived the Bill of Exclusion to remove him out of his Majesty's way, as well as their own: And lastly, knowing that the King was inexpressibly fond of the Duke of* Monmouth, *they applied themselves to open a way for him to gratify that Fondness, by advancing that Duke to the Throne (which is the Point laboured in the ensuing Tract, and which the Public had been prepared to receive by Hints and Rumours of the same Tendency, long before.) His Royal Highness, as most concerned in the Consequence of these Endeavours, was in the mean while most attentive to the Progress, and most sollicitous to defeat them: Accordingly, the Story in Behalf of the Duke of* Monmouth, *was no sooner whispered through the Kingdom, than he induced his Majesty to make two several Declarations, writ all with his own Hand, to his Privy Council, importing, that he was never married nor contracted to any Woman, but to his Wife Queen* Catherine: *And the first of these was dated*

dated January 6, 1679. *And the ſecond,* March *the 3d following. The Story of the* Black Box, *did not become the Talk of the Town, till the Beginning of the Year* 1680; *and what Motions it occaſioned, may be gathered from the following Account, which was publiſhed in the* London Gazette, N°. 1507. *and which gave Riſe to the Tract before us.*

At the Court at Whitehall, April 26.

" His Majeſty having commanded the Council to meet this Day extra-
" ordinarily, acquainted them, that he lately had Notice of a falſe and dan-
" gerous Rumour ſpread abroad, of a *Black Box* pretended to be found,
" wherein was contained a Writing importing a Marriage or Contract of
" Marriage between his Majeſty and the Duke of *Monmouth*'s Mother,
" which his Majeſty did poſitively declare to be altogether falſe, and there-
" fore ſaid, he thought himſelf obliged in Honour and Conſcience to have
" the Matter thoroughly examined and ſearched into, and that in order
" thereunto, he had ſent for Sir *Gilbert Gerard*, who was reported to be the
" Perſon that had ſeen ſome ſuch Writing, or to have had the ſame in
" Cuſtody.

" Whereupon Sir *Gilbert Gerard* being called in before his Majeſty in Council
" (his Royal Highneſs, and all the Judges of the Courts at *Weſtminſter* be-
" ing preſent, by his Majeſty's particular Command) this following Queſtion
" was, by his Majeſty's Order, and by the Advice of the Privy-Council,
" and by the Opinion of all the Judges, propoſed to him, *viz. Whether he*
" *knew of, or had ſeen any Writing importing a Marriage or Contract of Mar-*
" *riage between his Majeſty, and the Duke of* Monmouth's *Mother?* To
" which Sir *Gilbert Gerard*, having taken his Oath upon the Holy Evange-
" liſt, made Anſwer, *That he had never ſeen any ſuch Writing, nor was there*
" *ever any ſuch committed to his Cuſtody, nor did he know of any ſuch thing.*
" Whereunto he alſo ſubſcribed his Name.

" After which his Majeſty declaring, he reſolved to uſe all Means poſſible
" to find out the Authors of this Report, required all the Lords of the
" Council, and the Judges there preſent, to give an Account whether they
" had heard any Diſcourſes relating to the ſaid, or any like Matter. To
" which they all anſwered, they had heard of nothing concerning it, but a
" flying and imperfect Rumour of late diſcourſed: One of the Lords of the
" Council only acquainted his Majeſty, that a Gentleman had told him of
" ſome particular Diſcourſe he had lately heard of that Matter.

" His Majeſty thereupon commanded Mr. Secretary *Jenkins* to examine the
" ſaid Gentleman, or any other who ſhould be named by him, in order to
" trace the ſaid falſe Report up to the firſt Authors and Inventors of it."

No more remains to be ſaid, by way of Introduction to this remarkable Piece, but this. That, after the Diſcovery of the Rye-Houſe *Plot, a* * *Paper was found in the Cuſtody of Mr.* Charlton, *one of the Perſons deepeſt concerned in the Ca-*

* See the Appendix to Biſhop *Sprat*'s Hiſtory of this Tranſlation.

ſo will alſo all *Acts* and Performances which are derived from it, bear a ſuitable Proportion and Similitude. For whether the Conſtituting Members of this Great *Body* be *ſuch*, as may give it the Denomination of *Sanctum*, *Indoctum* or *Inſanum*, (by which Epithets ſome former Parliaments have been known and diſtinguiſhed)

now do, or hereafter ſhall ſend Members to the Parliament (except the Cities of *London*, *York*, *Norwich*, *Exeter*, and *Briſtol*) every Perſon at the Time of ſuch Election of Members to ſit in Parliament for any ſuch Place, that, at the Time of ſuch reſpective Election, and by the like Space of one Year before, hath been a Houſholder and Inhabitant within ſuch reſpective City, Town, Borough, or Place (except before excepted) and by all that Time hath been there charged, rated, taxed, and paid Scot and Lot, without Fraud, as aforeſaid; and not under one and twenty Years of Age, and none other, ſhall have Vote and Voice, and be Elector in ſuch reſpective City, Borough, Town, or Place, any Law, Charter, or *non obſtante* in any Charter to the contrary notwithſtanding. And that the reſpective Sheriffs, and other Officers, to whoſe Care and Management the Elections are committed, have hereby Power and Authority to adminiſter unto, and to examine upon Oath, the Parties themſelves concerning the Qualifications and Matters aforeſaid. That for the future, no Perſon by himſelf, or others, by or with his Conſent and Approbation, ſhall, by feaſting, treating, entertaining with Meat, Drink, or otherwiſe; or by Bribes, Preſents, Rewards, or Gifts, given, ſpent, promiſed, or engaged to, upon or amongſt the Electors, or to or for their Uſe or Benefit, or to or for the only Benefit or Advantage of any County, City, Town, or Place, ſending Members to Parliament, or the Inhabitants thereof, or under any pretended Charity for the Poor of any ſuch Town or Place, directly, or indirectly, labour or endeavour to obtain or procure Elections of any Perſon, or Perſons, to be Members or Repreſentatives to ſit in Parliament, under the Pains and Penalties enſuing, (to wit) that every ſuch Perſon ſo labouring or endeavouring by any ſuch undue and illegal Ways and Means, ſhall be hereby diſabled and uncapable of being or ſitting as a Member of that Parliament, and alſo ſhall forfeit the Sum of five Hundred Pounds: And that the City, Town, or Place, where any ſuch Feaſting, Treating, or Entertaining ſhall be manifeſtly and notoriouſly admitted or ſuffered, ſhall from that Time forfeit their Privilege of ſending Members to Parliament: And in lieu thereof, an Election to be made of Members in their Stead in ſome other Town, or Place, within the ſame County, or elſe in the County at large, as the Houſe of Commons in the next enſuing Parliament, that ſhall have or take Notice of ſuch Forfeiture, ſhall appoint and direct. And it is hereby further Enacted, That all and every Juſtice of the Peace, Mayor, Bailiffs and Conſtables, having Juriſdiction or Authority in any ſuch Town, or Place, for the ſuppreſſing and preventing the Miſdemeanors and evil Practices aforeſaid, are hereby commanded and required not to permit any ſuch Feaſtings, Treatings, or Entertainments, for or in order to the End aforeſaid, but upon Oath and Examination (which they are hereby empowered to adminiſter) or upon their own View, to arreſt and apprehend all ſuch Miſdoers, and them to commit to Goal, there to remain, till they give good and ſufficient Security, not to offend in that kind for the future, and appear at the next Aſſizes, or General Seſſions of the Peace for the County, or Place, where the Offence ſhall be committed, there to be proceeded againſt, and puniſhed for his ſaid Offence according to Law: And that if any of the Officers or Miniſters aforeſaid, having Information upon Oath, or other ſufficient Evidence of the Fact, ſhall refuſe or neglect to do his Duty herein, he ſhall forfeit the Sum of one Hundred Pounds for every ſuch Neglect or Refuſal: And that if any Mayor, Recorder, Alderman, Town-Clerk, Burgeſs, Portreeve, Bailiff, Magiſtrate, or Officer, ſhall permit or ſuffer himſelf to be feaſted, treated, or entertained, or ſhall directly or indirectly accept, take, or receive any Bribe, Gift, Preſent, or Reward, to the Intent and End aforeſaid, he is hereby diſabled to give any Vote, or to be Elector; and moreover, ſhall for every ſuch Offence

diſtinguiſhed) ſuch will alſo be, all the *Acts* and Statutes which are made by them, each naturally wearing the Character and Likeneſs of that, to which it owes its Being.

This Great Council bears a Date, coævous perhaps with the Originals of our Government, and was conſtituted with ſufficient Prudence and Caution, with relation

fence forfeit the Sum of one Hundred Pounds. And it is hereby likewiſe enacted, that no Writ or Suit ſhall be hereafter ſued, proſecuted, or proceeded for Wages, or any Sum or Sums of Money due or demandable for Wages, by any Knights, Citizens, or Burgeſſes, for or in reſpect of their Services in Parliament; but all ſuch Wages are, and from henceforth ſhall ſtand releaſed and diſcharged; and for the avoiding of the Abuſes and undue Means too often uſed by Sheriffs, Under-Sheriffs, Mayors, Bailiffs, and Officers, about ſuch Election and Returns, and that there may be juſt, fair, and legal Elections and Returns hereafter made, be it further enacted by the Authority aforeſaid, That no Sheriff, Portreeve, Bailiff, Magiſtrate, or Officer (except only when Need requires, from the Evening to the Morning of the next Day ſucceeding, till Election be determined, or to ſome convenient Place within two Miles of the Town, or Place, appointed, or ſet, for ſuch Election) ſhall adjourn the ſaid Election from that Day or Place appointed or ſet for the ſame, but ſhall fairly and indifferently proceed to finiſh the Election as ſoon as conveniently he can at the Time and Place appointed, without any other Adjournment *de facto* be made contrary to this Act, the Proceeding afterward ſhall be void, and the Perſon that had the Majority of Voices at the Time of ſuch unlawful Adjournment, ſhall be the Perſon duly elected, and ſhall be returned ſo to be: And if any Perſon ſhall hereafter be, for Conſideration of Money, Bribes, Preſents, Gifts, or Rewards, directly or indirectly, given or promiſed, or engaged to be given, or for Fear or Favour, by any Sheriff, Mayor, Bailiff, Portreeve, or Officer, wrongfully and unduly returned, to be the Perſons elected, which in Truth and Reality was not; or if any Sheriff, Under-Sheriff, their Clerks, or Miniſters, or any Mayor, Recorder, Town-Clerk, Portreeve, Bailiff, or other Officer, or Magiſtrate, intruſted with the ordering or making ſuch Election, or Returns, ſhall fairly, juſtly, honeſtly, and impartially, according to the beſt of his Skill and Diligence, act and do his Duty in the Premiſes; in every ſuch Caſe the Party offending ſhall forfeit, if a Sheriff, the Sum of five hundred Pound, if a Mayor, or other Officer, or Miniſter, two hundred Pound, and treble Damages to the Party grieved; and that all Securities, Promiſes, and Engagements made or given to any Officer, for the indemnifying or ſaving harmleſs concerning the Premiſes, ſhall be abſolutely void, and of no Effect; and every Party giving or making ſuch Securities, Promiſes, or Engagements, to forfeit five hundred Pound for his Offence in ſo doing: And further for the avoiding all Exactions, Extortions, and Briberies, under the Pretence of Gratuities, Preſents, or Recompence, for Diſpatch, or towards Charges, or otherwiſe, by any Sheriff, Under-Sheriff, Sheriff's-Clerk, or Miniſter, or by any Mayor, Portreeve, Bailiff, or other Officer, or Miniſter, hereafter to be taken: Be it enacted, that none of the ſaid Officers, or Miniſters, ſhall directly, or indirectly take, have, or receive, or agree, or contract to have or receive, for any Warrant, or Preſent, upon, or by Vertue of any Writ for Election for Parliament, or for any Return of any Writ, Mandate or Precept, above the Sum of Two Shillings and Six-pence, under the Pain of forfeiting ten Times as much as he ſhall in ſuch Caſe take over, and beſides the Sum of Two Shillings and Six-pence, together with Coſts in every ſuch Suit to be recovered: All and every the Penalties and Forfeitures aforeſaid (except the ſaid Forfeitures of treble Damages) to be recovered by him, or them that ſhall, and will ſue for the ſame, in any Court of Record, within the Space of one Year next enſuing ſuch Cauſe of Action accrued; in which Suit there ſhall be no Allowance of, or Admiſſion of any Privilege of Parliament, or other Privileges, or of any Protection, or

HIS WIFE. *Nor is it unknown, with what Homage the King's Party in* England, *at that Time, paid their Devotion, and teſtified their Obedience to her. For, as they addreſſed her upon the Knee, ſo by that, and many other Symbols, they declared, they eſteemed her for no leſs than the lawful* Wife *of their* King *and* Maſter.

Sixthly, *'Tis of no* * great Concernment, *who is the immediate apparent Heir in the* Regal Line, *if we do but conſider, that the* Parliament *of* England *hath often provided a Succeſſor to the Government, when the Intereſt of the Public hath required it, without the leaſt Regard to ſuch* Punctilio's. *They who preferred* William Rufus, *and* Henry *the Firſt, to* Robert, *though Eldeſt Son of* William *the* Conqueror, *what can they not do, when weighty Reaſons and Cauſes influence them unto it? And they who advanced* Stephen *before* Maud, *and* John *before his Eldeſt Brother's Son, can they not, when the Safety of the Kingdom requireth it, put the Sceptre into whoſe Hands they pleaſe? Nor hath* Baſtardy *itſelf been an Obſtruction to the conferring of the Crown upon a Perſon, provided all Things elſe have correſponded with the Deſires and Humours of the People. For not only* Athelſtan, *the Great* Saxon *King, was ſuch, but Queen* Mary, OR *Queen* Elizabeth, *muſt be ſo blazon'd; and yet all Three were exalted to the* Regal Throne. *And two of them, not only approved themſelves worthy of the Truſt repoſed in them, but have conſigned down that Stock of Fame and Credit, which few attaining unto, hath left a Reproach upon moſt Princes who have ſucceeded them. Even* Henry *the Seventh, (from whom our* King *derives his Title and Right of Succeſſion) ſprung from a* Baſtard, *who had nothing to render him capable to convey a Claim to his Poſterity, but that he was made Legitimate by* Parliament.

Seventhly, *The* Council *had done a Thing grateful to the Nation, and conſonant to their Oaths and Duty, if, inſtead of attempting to eſtabliſh the Duke of* York *as Heir apparent, they had examined, Whether, notwithſtanding his Affinity to the King, he hath not by manifold Treaſons againſt the Perſon of his* Majeſty, *as well as againſt the Government, forfeited his Life to Juſtice, and made himſelf obnoxious to a Scaffold, while he is pretending to a Throne. He is yet a Subject, and accountable for the Breach of the Laws, and why his Crimes ſhould find Shelter in his Greatneſs, I know not. 'Tis in vain to pretend to the Right of* Succeſſion, *when his* Treaſons *were a* Self-Depoſition, *were he actually* Regnant. *Whoſoever conſpires againſt any one Part of the Conſtitution, forfeits all he can claim by any other Branch of it. To be acceſſory to a Plot for the Deſtruction of the People, is to* abdicate himſelf *from all legal Pretences of reigning over them. Now the being ſeduced, and ſeducing ſo many of his Majeſty's Subjects from the Eſtabliſhed Religion, to that of Popery, is Treaſon by two Statutes,* viz. Eliz. 22. 1. Jam. 3. 4. *And for which (ſay the Words of the Stat.)* They ſhall forfeit as in Caſes of High Treaſon; *as the late Proclamation by King and Council hath alſo ſignificantly declared. The countenancing the Burning of* London, *the endeavouring to alter the limited Monarchy into a* deſpotic Rule, *and the combining with*

* Here our Author not only falls into an Inconſiſtency, but in a Manner gives up his Cauſe. For had he been convinced that the Duke of *Monmouth* had a good Title, he would ſcarce have contended for a Parliamentary Adoption: And in affecting to conſider a Birth-right-Claim as a mere *Punctilio*, he forgets that he had before repreſented it as an Affair of ſo *vaſt Importance*, that the whole Kingdom was concerned in the Deciſion of it.

with the Papiſts in all the Parts of the late Plot, *make him liable to the* Ax, *while he is aſpiring to a* Sceptre.

Eighthly, *A more unaccountable Thing yet than all the former is, to ſee the* King *ſo far concern himſelf in having the Succeſſion declared and determined. For it is not uſual to find a Prince appear in favour of a* Brother, *when ſo many are in the Belief, that he hath a* Legitimate Son *of his own. Many Kings have endeavoured the Advancement of their* Baſtard *Children, to the Excluſion of their neareſt Relations of the right Blood: Only* Charles *the Second will be the firſt on the File of Hiſtory, that, when nothing but his* bare Word *was needful to the ſettling his Dominions on his* Son *as* Legitimately *born, He alone, and in the Face of ſtrong Suſpicions to the contrary, would inſinuate him to be only his* Natural Son, *and for no other Reaſon, but that he would gratify his greateſt Enemies. I am ſure we read of few* Kings *that ever gave any great Countenance to their Brethren, when they were their preſumptive Heirs, though in the mean Time they would not deprive them of their legal Rights, providing they came to out-live them. Yea, there are not many Ages paſt, ſince the Heir-apparent's* [*Prince* Henry] *being only attended by a greater Train than the King, then reigning over theſe Kingdoms, uſed to be accompanied with, is thought to have given that Jealouſy to the* Father, *as coſt the young* Gentleman *his Life. Surely, conſidering the preſent Poſture of Affairs, and the Obnoxiouſneſs of the Papiſts to the Law, for their many and continued Conſpiracies againſt his Majeſty's Perſon, the Lives of the People, the Proteſtant Religion, and the Peace and Safety of the Government, it were the King and Kingdom's Intereſt to have the Duke of* York's *Title (as to his ſucceeding to the Crown) to be left undetermined and doubtful. Nor can any thing ſo effectually conduce both to the King's own Security, and that of his* Proteſtant Subjects, *as to leave the Duke of* York *under a Belief, that ſhould the King be taken away, there is one ſtill behind, that can diſpute the Crown with him. Nor can the Duke of* York's *purſuing the having the Right of Succeſſion at this Time ſettled, intimate leſs to conſidering Perſons, but that the Papiſts entertain new Deſigns againſt his Majeſty's Life, and that they only want ſuch a* Declaration *for the haſtening of the execution of them. Your* Lordſhip *knows, that Queen* Elizabeth *would never poſitively name her Succeſſor, though often importuned by* Parliaments *ſo to do; for ſhe very well underſtood, that if this had been once done, ſhe ſhould afterwards reign only by his Courteſy, and owe the Remain of her Life, and the Peace of the Government, to his Grace and Favour whom ſhe had publiſhed for preſumptive Heir. And truly, the* King's *falling ſo immediately ill, after the Duke of* York *had ſo earneſtly ſollicited for a formal* Declaration *of his being next Heir to the Crown, occaſioned ſome Mens Grounds of Fear, that his Diſpatch is not only reſolved, but the Springs and Cauſes of it diſpoſed before, and that all Things being ripe, this was merely contrived to faciliate the* Duke's *Entrance upon the Government.*

In brief, Matters are arrived at that paſs, that the Papiſts cannot ſuffer the *King* to continue, and the *Duke* and they long eſcape the Demerit of their Actions. For, as his *Majeſty* cannot ſubſiſt nor preſerve the Reputation of his *Crown* and *Government*, many Months longer, without a *Parliament*, no more can they, through the Number, Quality, and Palpableneſs of their Crimes, bear one; ſo that the Neceſſity of their Affairs, as well as their Inclinations,

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ſeconded by their Principles, oblige them, by one Means or another, to remove him: Wherein if they ſucceed, as I ſee no rational Foundation of judging but that they will, there is nothing remains towards the preſerving our Religion, Lives and Liberties, but to endeavour, according to the *Vote* and *Reſolve of the laſt Parliament*, *to revenge his Death upon the Papiſts*. 'Tis true, the King would not be *prevailed upon* by any *Importunities* (though frequently made by the *Duke* at the Board on *Wedneſday* laſt) to order a Council-Table-*Declaration* in Favour of *York*'s Right to ſucceed, in caſe His Majeſty ſhould die before him, yet the Buſineſs would appear to be ſo far gone, and all Things ſo diſpoſed already in Proſpect of what they intend, that they cannot, without hazarding their whole Concernments, recall themſelves from the Purpoſe of murdering him. Yea, the *King*'s not gratifying the Duke in his ſo-often-repeated Suit, will now ſerve only to poſſeſs them with Apprehenſions of Jealouſy, and make them accelerate rather than delay the Wickedneſs. 'Tis poſſible they may foreſee, that it will be accompanied with greater Hazards than it would have been, could they have compaſſed that Buſineſs. But they are gone paſt Retreat, and muſt either periſh by the *Sword* of *Juſtice*, or ſeek to protect themſelves, by deſtroying the King. And though this Failure give them greater Apprehenſions that they muſt ſeek their Safety by Recourſe to Force, than there would have been Cauſe for, had the *Duke* obtained ſuch a *Declaration*; yet Men, in their Circumſtances, and where there is no *Medium*, will chuſe rather to venture the being *ſlain* in the *Field*, than *hang'd* on a *Gibbet*, or to have their *Heads* cut off upon a *Block*.

Ninthly, As I know not who *dare* proclaim the *Duke* of *York*, ſhould the King depart this Life before him, ſeeing the Houſe of Commons, in a Bill, twice read and paſt, have made it not only Capital, but Treaſonable to do it; ſo, if my Information do not greatly deceive me, the *Duke* of *Monmouth*, before he was taken from his Mother in *Holland*, and carried to *Paris*, went for, and was acknowledged as *Prince of Wales:* And conſequently, to undermine this *Title*, if in the Iſſue he ſhould prove ſo, is not leſs than Treaſon by the Statute. And your Honour knows, that though the King's Affirmative might be of ſome Significancy, towards the Declaration of his Legitimacy, and Corroboration of his Right to the Imperial Crown of theſe Realms, yet his Negative imports juſt nothing, when confronted with poſitive Evidence to the contrary.

Laſtly, Whereas the Partiſans and Paraſites of the *Duke* of *York*, would have it judged too great a Reproach upon the King, that ever he ſhould be thought to have married a Perſon of ſo low a Quality as *Madam Walters*; they do but in that diſcover, at once their ſmall Acquaintance with Hiſtory, and either their want of Memory or Ingenuity in what concerns his *Royal Highneſs*. Your Lordſhip doth very well know, that *Edward* IV. though actually in the Throne, and withal a Magnanimous and Victorious Prince, yet he married an ordinary Gentlewoman, and ſhe not only one of his own Subjects, but the Relict of a former Huſband, and the Widow of an Enemy to his Crown and Family. Whereas the King, when ſuppoſed to have married the *Duke* of *Monmouth*'s Mother, was actually in Exile; the utmoſt of his Poſſeſſions lying in ſome faint Hopes, which his Right to the *Engliſh* Throne adminiſtered unto him: And as it is not improbable, but that he found it neceſſary to marry rather than, by taking another Courſe,

Courſe, to alienate the Minds of thoſe further from him, whoſe Love it was his Intereſt to recover; ſo the Deplorableneſs of his Condition at that Time, gave him ſmall Encouragement to demand in Marriage any that was the Daughter of a neighbouring King or Monarch. Nor is it difficult to conceive how far the Wit, Beauty, and Air of ſuch a Lady as *Madam Walters* was, might prevail upon and entangle a young Prince, both naturally *amorous*, and always an Admirer of ſuch Qualifications. Nay, *my Lord*, though the *Duke* of *York* hath been twice married, and when in much better Circumſtances than the King then was; yet he hath no great Cauſe of bearing himſelf upon the Antiquity or Greatneſs of the Families into which he hath matched: For, I am ſure neither of his Dutcheſſes derived their Deſcent from ſo eminent a Pedigree, or of that Figure in *Heraldry*, as the *Duke* of *Monmouth*'s Mother proceeded from. They are great Strangers in *England*, who do not know, that her Father was a Gentleman of an old *Britiſh Lineage*, and ſtood poſſeſſed of a much fairer Eſtate, than the late Lord Chancellor *Hyde* was ever born unto: And though I will caſt no Reflection upon his Acquiſitions, yet this may be affirmed with Modeſty, that he was more indebted to the Favour of his Prince for them, than any extraordinary Merit in himſelf, or Recommendation by the Dignity and Services of his Anceſtors. And one would think the Returns he made unto his Majeſty in more than a thouſand Inſtances, ſhould not render the King very fond of tranſmitting the Crown to his Offspring.

My *Lord*, having endeavoured to obey you in one of your Commands, I ſhall, in the next Place, apply myſelf to the Conſideration of your ſecond. And to eaſe your *Lordſhip* of all unneceſſary and ſuperfluous Trouble, I ſhall not entertain you with any long Character of Sir *Gilbert Gerard*, as preſuming, that that Gentleman is fully known unto you. All I ſhall therefore ſay concerning him is, That he is ſtill the ſame, and of the ſame Principles he was when he ſuffered ſo much for the *King* in the late Times; that is, *He is a loyal Subject, a good Proteſtant, and a true* Engliſhman; *one who will obey his Prince as far as Conſcience, Law, and Honour will allow him, but will ſacrifice none of theſe, neither upon mercenary Terms, nor to avoid impendent Dangers.* And as it were happy for the King, were all his Subjects of that Figure, ſo it would greatly redound to the Honour of the Church of *England*, to have all her Members of that Complexion and Temper. Nor ought his being put out of the Commiſſion of the Peace be conſtrued as any Reflection upon him, ſeeing he hath ſo many worthy and deſerving Perſons, in all the Counties of *England*, Sharers with him in the ſame Fortune. What the Occaſion of that Treatment was, your *Lordſhip* fully underſtands, tho' you were no way intereſted in the Affair; and it is to be hoped that the King may in Time diſcover the Perniciouſneſs of thoſe Counſels, which both prevented his hearkening to the humble Entreaties of many of his People, and have influenced him to diſoblige a great Number of his beſt Subjects. I am ſure, both his *Majeſty* and the *Kingdom* do already ſenſibly ſuffer by it, while the *Gentlemen* themſelves are only diſcharged from a Burthen. There may poſſibly be ſome mean Souls, who covet being in the Commiſſion, to obtain a Reſpect in their Country, or to make a Gain by their Office and Employment, but Sir *Gilbert*, with thoſe other Gentlemen who are in the ſame Predicament with him, are Perſons, who, in their greateſt Privacies,

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can command a Deference from all about them, and whom *God* hath bleſſed both with Eſtates and Minds which exalt them above the Temptations of Fees for Warrants, or Gratuities for Connivance at the Breach of his *Majeſty*'s Laws.

But, my *Lord*, that I may give you the better Hiſtory of this Tranſaction, or rather *Farce*, concerning Sir *Gilbert Gerard*'s appearing before the Council; you may be pleaſed to know, that he was ſent for by a Letter under the Hand of my Lord *Sunderland*, requiring him to come immediately up. And becauſe a *Miſſive* by the Poſt might have too much preſerved the Privilege of a Member of Parliament, and intimated too great a Reſpect to a Gentleman whoſe Brother had loſt his Life, for owning his *Majeſty*'s Intereſt under *Oliver Cromwel*, and himſelf undergone coſtly and ſevere Impriſonments, there was a *Creature*, ſtiled a Gentleman-Uſher, ordered to carry the Letter, and to bring him to *Whitehall*.

Now though Sir *Gilbert* was hardly recovered from a Fit of the Stone, and remained confined by Weakneſs to his Chamber, when theſe *Blades* arrived at his Houſe, yet he immediately complied with the Meſſage, and addreſſed himſelf to his Journey with all the Expedition he could; thereby teſtifying at once his Obedience to his *Majeſty*, and the Security he enjoy'd in his own Mind, as to his Innocency, though he knew not what he was ſent for. Being come to the Court, inſtead of meeting with my Lord *Sunderland*, there was an Order left for the conducting him to Mr. *Coventry*, who was then the other Secretary of State, though he hath ſince reſigned to Sir *Lionel Jenkins*. But whereas every rational Man would have apprehended, that a Parliament-man being ſeized and brought ſo far Priſoner, within the Time of Privilege, could have been queſtioned concerning nothing leſs than a Plot to aſſaſſinate the *King*, or a Conſpiracy of levying War againſt the Goverment; yet all he was interrogated about was, If the late *Lord of Durham* had at any Time entruſted him with a *Black Box*, containing a Contract of Marriage between the King and the *Duke* of *Monmouth*'s Mother? Or whether he had ſeen any ſuch Contract? You may eaſily apprehend, that he was not a little ſurprized, after all the Fatigue and Expence they had put him unto, to find himſelf examined in relation to ſo ridiculous and romantic a Story. However, being obliged to make a civil Anſwer, he told the Secretary, that he was neither entruſted with ſuch a Box, nor had ſo much as heard of ſuch a Contract. Which Reply of Sir *Gilbert*'s being recorded in Writing, Mr. *Coventry* was pleaſed to tell him, (by what Warranty we may poſſibly know ſome other Time) that he was obliged both to ſubſcribe it, and to ratify it by an Oath. Sir *Gilbert*, being more amazed than before, replied, That as he little imagined that he had been ſent for upon a Buſineſs of that Nature, ſeeing he knew no Reaſon why his Name ſhould be intereſted in it, ſo he would neither ſet his Hand to the Anſwer he had given, nor take his Oath to confirm it. And indeed he had Reaſon for what he ſaid: For how could he know but that this might be a leading Queſtion to ſomething elſe: For whoſoever had invented that fabulous Story, might, with as much Truth, and with more Senſe, have charged him with ſome criminal Matter. Accordingly, inſtead of conteſting it farther with Mr. *Coventry*, he only aſked, Whether he was ſent for thither, and taken into Cuſtody as a Criminal? To which the Secretary is reported to have returned, That he had no other Directions than

to ask him the foregoing Question, which he endeavoured, by many Arguments, to have obtained his Reply unto, under Oath. But Sir *Gilbert* wholly declining to swear, and representing that he had come a long and tedious Journey, whereof he was weary, desired to know how he should be disposed of. Whereupon he was told, that he might go to his Lodgings, provided he would promise to attend the King and Council the *Monday* following. Where having at the Time made his Appearance, he was called in, after that the Judges had been there a quarter of an Hour before him: And then his *Majesty* was pleased to tell him, that he was not sent for thither to be charged with any Crime, but only to make Oath, whether the late Bishop of *Durham* had not consigned to him a *Black Box*, wherein was contained a Contract of Marriage betwixt his Majesty and the Duke of *Monmouth*'s Mother. To which having replied as before, and withal excused himself from taking any Oath in such Cases wherein the Law had not prescribed, there were many Arguments used to persuade him, and long *Harangues*, representing the mischievous Consequences which a doubtful Title might occasion. But he insisting upon the Rights of an *Englishman*, namely, that he ought not to be required to swear, but in such Cases as the Law did appoint, all the Judges, and in Conjunction with them, my *Lord Chancellor*, gave their Opinion, that he was obliged by the Law to take his Oath in a Matter of this great Moment, which threatened the Nation with no less than what fell out between the Houses of *York* and *Lancaster*. Upon which he accordingly did, to the Purport already intimated, *viz.* That he knew of no such Thing as a *Black Box*, nor any Thing relating to such a Contract of Marriage, as he was then interrogated about. Now, my *Lord*, I know not how a Gentleman could have carried it with more true Courage and Honour than Sir *Gilbert* did. For, as the Opinion of the Judges were to over-rule him as to what was Law, so only a Parliament is capable of judging whether they acted consonantly to their Duty. And till that happy Hour come, I commend your Lordship to the Divine Protection, and am,

My Lord,

London, *May* 15, 1680.

Your most humble Servant.

A LETTER to a PERSON of HONOUR concerning the KING's disavowing the having been married to the DUKE of *MONMOUTH*'s MOTHER.

[*This is apparently another Arrow from the same Quiver, which furnished the last, therefore ought to accompany it; and all that is farther necessary by way of Introduction, is to insert his Majesty's Declarations, which were published in the* Gazette, June 10, 1680, *in the following Words:*

Whitehall, June 8.

" This Day was published his Majesty's Declaration, which follows,

" *CHARLES* REX.

" We cannot but take Notice of the great Industry and Malice wherewith some " Men of a seditious and restless Spirit, do spread abroad a most false and scan- " dalous Report of a Marriage, or Contract of Marriage, supposed to be had " and made between us, and one Mrs. *Walters*, alias *Barlow*, now deceased, " Mother of the present Duke of *Monmouth*, aiming thereby, to fill the " Minds of our loving Subjects with Doubts and Fears, and, if possible, to " divide them into Parties and Factions, and as much as in them lies, to " bring into Question the clear, undoubted Right of our true and lawful " Heirs and Successors to the Crown. We have therefore thought ourself " obliged to let our loving Subjects see what Steps we (out of our Care of " them and their Posterity) have already made, in order to obviate the ill " Consequences that so dangerous and malicious a Report, may have in future " Times upon the Peace of our Kingdoms.

" In *January* last was Twelvemonth, we made a Declaration written with " our own Hand in these Words following:

" *There being a false and malicious Report industriously spread abroad by some,* " *who are neither Friends to me or the Duke of* Monmouth, *as if I should* " *have been either contracted or married to his Mother; and though I am most* " *confident that this idle Story cannot have any Effect in this Age, yet I* " *thought it my Duty, in Relation to the true Succession of this Crown, and that* " *future Ages may not have any Pretence to give Disturbance upon that Score,* " *or any other of this Nature, to declare, as I do here declare in the Presence* " *of Almighty God, that I never was married, nor gave any Contract to any* " *Woman whatsoever, but to my Wife Queen* Catherine, *to whom I am now* " *married. In Witness whereof I set my Hand at* Whitehall *the 6th of* " January, 1679.

CHARLES *REX.*

And

And this Declaration I made in the Presence of

W. Cant. *H. Coventry.*
H. Finch, C. *J. Williamson.*

" To strengthen which Declaration, we did in *March* following (which was " *March* last was Twelvemonth) make a more public Declaration in our " Privy-Council, written likewise with our own Hand; and having caused a " true Transcript thereof to be entered in our Council-Books, we signed it, " and caused the Lords of our Privy-Council then attending us in Council, to " subscribe the same likewise, and we ordered the Original to be kept in the " Council-Chest, where it now remains. The Entry whereof in the Coun- " cil-Book is in these Words following:

At the Court at *Whitehall*, *March* 3*d*, 1679.

PRESENT

The KING's most Excellent MAJESTY,

Lord Chancellor, Earl of *Essex*,
Lord Treasurer, Earl of *Bath*,
Duke of *Lauderdale*, Earl of *Craven*,
Marquis of *Worcester*, Earl of *Aylesbury*,
Earl of *Ossory*, Lord Bishop of *London*,
Lord Chamberlain, Lord Bishop of *Durham*,
Earl of *Sunderland*, Lord *Maynard*,
Earl of *Clarendon*, Mr. Vice-Chamberlain.

" His Majesty was this Day pleased to command, That the Declaration here- " after following be entered in the Council-Book, it being all written and " signed by his Majesty's own Hand, in a Paper which his Majesty this " Day delivered at the Board, to be kept in the Council-Chest, *viz.*

" *For the avoiding of any Dispute which may happen in Time to come, concerning* " *the Succession of the Crown, I do here declare in the Presence of Almighty* " *God, that I never gave nor made any Contract of Marriage, nor was mar-* " *ried to any Woman whatsoever, but to my present Wife Queen* Catherine " now living. Whitehall, *the Third Day of* March, 1679.

CHARLES R.

" His Majesty commanded us who were present at the making and signing " this Declaration, to Attest the same,

Finch, C. *Essex*,
Danby, *Bath*,
Lauderdale, *Craven*,
Worcester, *Aylesbury*,
Ossory, *H. London*,
Arlington, *N. Durham*,
Sunderland, *W. Maynard*,
Clarendon, *G. Carteret*.

In

" In *April* laſt we found the ſame Rumour not only revived again, but alſo " improved with new Additions, to wit, It was given out, that there was a " Writing yet extant, and lately produced before ſeveral Perſons, whereby " the ſaid Marriage, or a Contract at leaſt (for the Report was various) " would appear, and that there are ſeveral Lords and others yet living, who " were pretended to have been preſent at the ſaid Marriage. We knew full " well, that it was impoſſible that any thing of this ſhould be true (there being " nothing more groundleſs and falſe then that there was any ſuch Marriage " or Contract beween us and the ſaid Mrs. *Walters*, alias *Barlow*) yet we " proceeded to call before us, and cauſed to be interrogated in Council ſuch " Lords and other Perſons, as the common Rumour did ſurmiſe to have " been preſent at the pretended Marriage, or to know ſomething of it, or of " the ſaid Writing. And though it appeared to all our Council, upon the " hearing of the ſaid Lords and other Perſons ſeverally interrogated, and " upon their denying to have been preſent at any ſuch Marriage, or to know " any thing of it, or of any ſuch Writing, that the raiſing and ſpreading of " ſuch Report, ſo incoherent in the ſeveral Parts of it, was the Effect of deep " Malice in ſome few, and of looſe and idle Diſcourſe in others, yet we " think it requiſite at this Time, to make our Declarations above recited " more Public: And to order the ſame (as we do hereby with the Advice " of our Privy-Council) to be forthwith Printed and Publiſhed. And we do " again upon this Occaſion call Almighty *God* to Witneſs, and declare " upon the Faith of a *Chriſtian*, and the Word of a King, that there was " never any Marriage, or Contract of Marriage, had or made between us " and the ſaid Mrs. *Walters*, alias *Barlow*, the Duke of *Monmouth*'s Mo- " ther, nor between us and any Woman whatſoever, our Royal Conſort " Queen *Catherine*, that now is, only excepted.

" And we do hereby ſtrictly require and command all our Subjects whatſoever, " that they preſume not to utter or publiſh any thing contrary to the Tenor " of this our Declaration, at their Peril, and upon Pain of being proceeded " againſt according to the utmoſt Severity and Rigour of the Law.

" *Given at our Court at* Whitehall, *the Second Day of* June, *in the* " *Two and Thirtieth Year of our Reign.*"

Now it is natural to think that theſe ſeveral Declarations were made Public in Contradiction to that Aſſertion in the preceding Letter, That the King could not be prevailed upon by any Importunities, to order a Council-Table-Declaration in Favour of the Duke of York's *Right*, &c. *And yet we find a certain anonymous Writer, accounting for the ſaid Publication, in a different Manner. His Words are theſe:* " *This Declaration (meaning that of* March 3.) *atteſted by Sixteen Privy-Counſellors was entered in the Council-Books, and Copies of it quickly got abroad; and as it came to Dr.* Tillotſon's *Hand ſooner, we may be ſure, than moſt Men's, ſo he had the Ingenuity to note it for an equivocal Declaration, as if the King, contrary to the Punctation of it, and the common Uſage of* Engliſh *Speech, had meant it in this Senſe.* " *I do here-* " *by declare in the Preſence of* Almighty God, *that I never made, nor* " *gave any Contract of Marriage, nor was married to any Woman whatſoever,*

" NOW

" NOW LIVING, *but to my preſent Wife Queen* Catherine." *I had this Story from one whom I ſhall name if called upon for it, to whom he made this Obſervation; and though I never mentioned it to any Perſon, till very lately, yet the Obſervation was whiſpered about, and coming to the King's Ears, with other* additional Rumours, *he ſet out a Declaration,* June 8, &c. *which put an End to this Calumny.*"

My Lord,

AS you cannot but have ſeen his *Majeſty's Declaration*, wherein he *renounceth* the having been *married* to the *Duke* of *Monmouth*'s Mother; ſo I believe you will not be diſpleaſed to have an Account of the Senſe of the Thinking Men about the Town concerning it: And this without either diſguiſing, or concealing what is publicly diſcourſed, I ſhall, as becomes your *Lordſhip*'s Servant, addreſs myſelf to give you.

And, in the firſt Place, they ſay, it is no Surprize to them, that, ſeeing the *Duke* of *York* hath gotten the Aſcendant of the King, he ſhould hector him into, or at leaſt extort from him, the aforeſaid Declaration. For, can any imagine, that he, who, for ſome Time, renounced his own Wife, and had provided Perſons to ſwear a Familiarity with her, which made her unworthy of being Dutcheſs of *York*, ſhould ſcruple to importune the *King* to do as much by Mrs. *Walters*, tho' it were never ſo demonſtrable that he was married unto her. The courſe he practiſed himſelf, he may, without any Breach of Charity, be thought ready to preſcribe to others. And it may be, he thinks, it will be ſome Extenuation of what he did himſelf, if People can be brought to believe, that it is a Diſeaſe natural to the Family, and which runs in a Blood. Now we all know, not only with what Aſſeverations the *Duke* diſclaimed his Marriage with Mrs. *Hyde*, but with what Reflections upon her Chaſtity he did it. And yet the Proofs of the ſaid Marriage were ſo evident, that he was neceſſitated at laſt to acknowledge it; and to own her for his Wife, after he had, by himſelf, and many others, proclaimed her for no better than a common Whore. And, I am ſure, it left this Impreſſion upon moſt Perſons, That his Faith to Men was not very far to be relied on, ſeeing he made ſo ſlight of that Faith, which he had plighted in an Ordinance of *God* to a harmleſs Lady.

Secondly, Moſt Men do obſerve this Difference between the *King*'s renouncing Mrs. *Walters*, and the *Duke*'s diſclaiming Mrs. *Hyde*: That what the *Duke* did was an Act of Inclination and Choice, whereas, it is apparent, that what the *King* hath done, is the Reſult of Dread and Fear. For, to uſe his *Majeſty*'s own Expreſſion, not long ago, *He was harraſſed out of his Life, by the Importunity of his Brother*; and, as he added, *He could rather chuſe to die than live ſo uneaſily as he did, while he withſtood their daily Sollicitations in this matter.* And as nothing made the *Duke* honeſt to Mrs. *Hyde*, but the Interpoſition of his Majeſty's Authority, from a Senſe of the Juſtneſs of the Lady's Complaint; ſo they believe the King is only injurious through the Influence of others, and that, when reſcued out of ill Hands, and left to himſelf, he will return to be juſt. For, though his Majeſty be a Prince, of that Clearneſs of Underſtanding, that they cannot baffle him by falſe Reaſonings; yet he hath ſo much of *James*'s Timidneſs, that they can huff and over-awe him to things moſt

moſt oppoſite to his Judgment, as well as croſs to his Intereſt. And let me, upon this Occaſion, remind your Lordſhip of a Story, of a *Scots* Nobleman to my Lord *Burleigh*, upon that wiſe Stateſman's deſiring a Character of King *James*, long before he aſcended the *Engliſh* Throne. If your Lordſhip, ſaith the blunt *Scotſman*, know a *Jack-a-napes*, you cannot but underſtand, that if I have him in my Hands, I can make him bite you, whereas, if you get him into your Hands, you may make him bite me.

Thirdly, The whole Town is apprehenſive, that the King, though endeavouring by this Act to ſecure himſelf in the Grace, at leaſt Forbearance, of the Duke and Popiſh Party, will find in the Iſſue, that, inſtead thereof, he hath left himſelf naked and expoſed to their Wrath and Malice. Nor is there any thing more probable than that what the King calls and intends only for a Declaration to ſerve his preſent Occaſions, they will transform into his laſt Will and Teſtament, to accommodate theirs. If Queen *Elizabeth*, when tempted to declare her Succeſſor, declined it with this ſaying, That *ſuch an Act would be the digging her Grave before ſhe were dead*, have we not great Cauſe to apprehend that the King having, by this Act, digged his own Grave; his Brother, or the *Jeſuits*, under whoſe Government he is, will find Hands to bring and put him into it, leſt, through Delay, ſomething ſhould intervene that would fill it up again? 'Tis a Pity, that none would call to his Majeſty's Memory, that Saying of *Tacitus*, *Suſpectus ſemper inviſusq*; *Dominanti qui proximus deſtinatur*. Which, by varying a little from the *Latin*, I will *Engliſh* thus: *That he ought to be always ſuſpected, and carefully watched againſt, by the Ruler, who moſt ardently hopes, and thinks himſelf in likelihood to ſucceed him.* Stateſmen in old Times reckoned it for a Maxim in Politics, that *Ne mentio fieret Hæredis vivo adhuc Principe: That while the Prince liveth, there ought not to be ſo much as a mentioning of any whoſe right it was to come after.* For as ſubtle *Tiberius* upbraided *Macro*, that he forſook the ſetting Sun, to worſhip the riſing; ſo King *Charles*, may have in Time, if he have not already, cauſe to object the ſame to ſome about him. That crafty Emperor knew more of the Art of Self-Preſervation, than crowned Heads in our Days ſeem to do. For tho' he had adopted *Germanicus*, at the Command of *Auguſtus*, of whom he received the Empire, yet having a Son of his own, namely *Druſus*, He would never declare in Favour of either ſo long as they lived, but judged his own Safety to conſiſt in leaving it doubtful, whoſe Title to the Univerſal Monarchy was beſt. However (ſay moſt of his Majeſty's Subjects) tho' we have not been able to prevent the King from this unwary Act, by which he hath ſtaked his Life to the Pleaſure of his Enemies, yet we will be kinder to him than he hath been to himſelf, and contribute all we can to his Security, and that is by letting the World know, That we will revenge his Death, by ſacrificing the whole Popiſh Party upon his Grave, in caſe he ſhould come to an untimely *End*.

Fourthly, This Declaration would be received with leſs Heſitation, in the Minds of People, if Kings and Princes were not made of the ſame Mould, with other Men, and liable to the like Failures and moral Prevarications that the reſt of the Sons of *Adam* are. And therefore, obſerving how common it is for Perſons, upon a lower Ground, to renounce their Wives, and moſt ſacredly diſclaim their Marriages, they conceive it is not impoſſible, but that thoſe who

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move in higher Spheres, may upon ſtrong Temptations do the like. Yea, our own Hiſtory furniſheth us with an Inſtance of a great King, and one who ſwayed the *Engliſh* Scepter, who is tranſmitted to us with this Blot in his Eſcutcheon. The Perſon I mean is *Edward* IV. who being a ſprightly and amorous Prince, was ſuddenly contracted and married to *Eleanor Talbot*, Daughter of the Earl of *Shrewſbury*; and that not only without any Witneſſes, ſave Dr. *Thomas Stillington*, Biſhop of *Bath*, into whoſe Hands the Contract was made, and who officiated at and celebrated the Marriage: But, beſides, the poor Doctor was ſtrictly enjoyned by the King to conceal it; and you may eaſily ſuppoſe the timorous Prelate would not fail in his Duty to Majeſty, at leaſt, ſo long as he knew the King in a Condition to puniſh and avenge the Diſcovery. Now *Edward* IV. finding thereupon Admiſſion into the Embraces of the Lady, and having ſatiated himſelf a while by ſecret Enjoyments, and withal reckoning that none could, or at leaſt durſt, detect by what Holy Ties he was bound unto her; he did ſome Years after (notwithſtanding the Perſon to whom he was affianced, ſtill ſurvived) both deny what was ſo ſolemnly tranſacted in the Preſence of *Almighty God between them*, and withal married another Woman, namely, my Lady *Elizabeth Gray*. Your Lordſhip may ſee the Story both in *Buck*'s Life of *Richard* III. *pag.* 16, *&c.* and in *Comines*'s Hiſtory of *Lewis* XI. And without making any Application of it to the preſent Caſe, I ſhall crave Liberty to make theſe Remarks upon it.

1. That it is poſſible for Princes, eſpecially ſuch as have accompanied with many Women, to have weak Memories, and to forget upon what Terms they contracted their firſt Friendſhips with them. For finding how their Familiarity aroſe with others of that Sex, they may grow by Degrees into a kind of Perſuaſion, that their Intereſt in all was eſtabliſhed upon no better Terms. Or if they ſhould not be ſuppoſed ſo forgetful, as this amounts unto, yet the Love of Change may make them ſtifle their Knowledge, eſpecially when the Objects of their freſh *Amours* cannot be otherwiſe brought to entertain their Flame, but with a Proviſion for their own Honour.

2. That the Denials of Kings are not to be ſubſcribed unto with an implicit Faith; but that we ought to uſe the ſame Diſcretion, in believing, or not believing what they ſay, that we eſteem ourſelves privileged to uſe towards others in the Credit which they require we ſhould give unto them. For though Princes be not liable to be impleaded in our Courts, nor be ſubject to Penalties that tranſgreſſing Subjects are; yet ſeeing they may be guilty of the ſame Facts, which would both leave a Reproach upon common Men, and make them obnoxious to Puniſhments, it cannot rationally be expected that their bare Words ſhould reſtrain the Freedom of our Thoughts, or give Law to our Underſtandings in the Judgment that we are to make of Caſes and Things.

3. I would obſerve, That though the judicial Courts could not, and the Parliaments during *Edward*'s Reign would not, take Cognizance of that King's contemning and violating the Ordinance of *God*, by diſclaiming his lawful Wife; yet the Righteous Judge of Heaven and Earth in a little while after animadverted ſeverely on the Offence. For not only his *two Sons*, whom he had by the Lady *Gray*, were murdered by their Uncle, but the Kingdom was tranſlated from his Family, and not only beſtowed upon the chiefeſt Enemy of his Houſe, but

but upon one, who, among all that for a long Series before had been Rivals for the Crown, had the weakeſt Title.

4. It is not unworthy alſo of our Notice, that notwithſtanding King *Edward*'s denying his firſt Marriage, and aſſuming another Lady unto his conjugal Bed; yet all this could neither prevent the future Enquiry into this Matter, nor the Parliament's recognizing the Marriage with *Eleanor Talbot*, 1 of *Richard* III. And beſides the Imputation of a *Bigamiſt*, which is thereby ſtampt upon him to all Ages, his Children, by the ſecond Venture were baſtardiſed by Statute, and an Occaſion from thence taken, to place the Sceptre in the Hand of *Richard*.

5. Nothing in this Declaration can preclude the Duke of *Monmouth*, or any other true *Engliſhman*, from enquiring (when Time ſerveth) by legal and due Ways, into the Truth or Falſhood of the King's Marriage with Mrs. *Walters*. For the Duke cannot be denied the ſame Right which appertains to every Perſon in the Kingdom, namely, the juſtifying his own Legitimacy in due Courſe and Form. And ſhould he chuſe to ſit down with the Imputation of a Baſtard, with all the other Loſſes which attend it; yet there are thoſe in the Nation, who, preferring their Duty to *God*, their Country, themſelves, and an injured Gentleman, before a Reverence to one Man, eſpecially acting under the Influence of a Popiſh Brother, will bring that whole Buſineſs into an impartial Examination before ſuch, where a ſingle Negative will not be allowed as a ſufficient Proof to invalidate affirmative Teſtimonies, provided ſuch can be had. And ſhould that Marriage hereafter be authentically proved, how ill will they be found to have deſerved, both of the King and Kingdom, that have either ſurprized, cajoled, or threatened his Majeſty to bring ſuch a Slur upon his Honour and Reputation, as this Declaration will to all Ages entail? And, my Lord, is it not ſtrange, if there was never any ſuch Marriage, that Mrs. *Walters* ſhould not only when in Travail with the ſaid Duke, but at many other Times, particularly in her laſt Hours, when in the Proſpect of approaching Death, and enſuing Judgment, affirm it with that Poſitiveneſs which ſhe did? And is it not more ſurprizing, if there had been no ſuch Marriage, That Dr. *Fuller*, late Biſhop of *Lincoln*, ſhould ſo often, and in *Verbo Sacerdotis*, declare to diverſe worthy Perſons, *that he married them?* Nay, what ſhould biaſs the Innkeeper at *Liege*, to make it the great Myſtery with which he entertained his *Engliſh* Gueſts, *that the Marriage was celebrated and conſummated in his Houſe; and that both he and his Wife were Eye and Ear-Witneſſes of it?* Moreover, if it were ſuch an *idle Story* as the *Declaration* repreſents it, how came it to paſs, that when ſome Perſons, lately examined about the *Black Box*, declared that they had heard of ſuch a Thing as the *King*'s being married to that *Gentlewoman*, they ſhould be immediately commanded to withdraw, and told, that this was not the Buſineſs they were interrogated about. Beſides, my Lord, as all who were abroad with his Majeſty at that Time, knew the Paſſion the King had for that Perſon; ſo ſome of us can remember, how, through immoderate Love to her, being reduced to a Condition that his Life was deſpaired of, and the late Queen his Mother receiving Intelligence both of his Diſeaſe, and the Cauſe of it, ſhe conſented to his eſpouſing of her, rather than that he ſhould conſume and periſh in his otherwiſe unquenchable Flames. Moreover, as there were

were few had better Opportunities of being acquainted with this whole Affair, than my late Lord Chancellor *Hyde*; ſo I am ſure the Advantages likely to accrue to his Offspring by the Seclusion of the Duke of *Monmouth* from all Title to the Crown, may be judged ſufficient Inducements to have prevailed with him, if not to have aſſerted the ſaid Duke's Baſtardy, yet to have been ſilent in the Caſe, and not to have proclaimed the Legitimacy. And yet that very Lord, being in danger of an Impeachment in Parliament, for adviſing and perſuading the King to a Marriage with Queen *Katherine*, excuſed himſelf from all ſiniſtrous Ends in that Affair, by affirming, *That his Majeſty had a lawful Son of his own, by a former Marriage* (ſpecifying by Name the Duke of *Monmouth*) *to ſucceed to his Crown and Dignity.* Now though it may be ſuppoſed that a Perſon may ſometimes lye for his Intereſt, yet no Man can be thought to do ſo, in order to the Prejudice as well of himſelf as his whole Poſterity. And if we believe Men ſpeaking Falſhoods in Subſerviency to their Honour and Profit, ſhall we not give Credit to them when they ſpeak Truth to their own Damage, and that of all thoſe who are dear unto them? Certainly, the poſitive Confeſſion and Teſtimony of this one Perſon, being againſt the Intereſt of his whole Family, is of more Weight than the Denials of any Number whatſoever, when meerly to promote their Safety and Advantage, or to ſerve the Exaltation of the Papal Cauſe. Theſe are but few of the many Particulars I could acquaint your Lordſhip with, relating to the Confirmation of a Marriage between the King and Mrs. *Walters*; but it is a piece of neceſſary Wiſdom, at this Juncture, to know what not to ſay, as well as to underſtand what to ſay. And to tell you plainly, I am more a Servant and a Friend to my Country, than by pretending to plead the Duke's Cauſe, and to be uſeful to the Nation, to diſcover the Witneſſes which are in Reſerve, or betray the farther Evidences which are to be produced, when this Matter ſhall come before a competent Judicature.

Sixthly, 'Tis Matter of no ſmall Trouble to ſuch as truly love his Majeſty, that the King's Integrity and Honour ſhould be brought to ſtake, in a Matter wherein both the preſent Age, and the ſucceeding, may take Occaſion to queſtion and bring into Examination his Truth and Sincerity. For though it is not impoſſible but that Princes (conſidering the Temptations with which they are ſurrounded) may ſometimes, through Inadvertency, and at other Times upon State Motives, endeavour to impoſe upon the Credulity, if not abuſe the Faith of their People; yet, the Veracity of a ſupreme Governor is of that Importance to himſelf, and ſo neceſſary to the Veneration which his People ought to maintain for him, that he is not to bring his Credit to Pawn, unleſs it be in ſuch Caſes wherein his People may, if not apologize for, yet connive at, the Indiſcretion and Weakneſs of their Ruler, ſhould he be found to delude them. Nor hath any thing obſtructed the Affairs of Princes more, and prevented their People's believing them, when they ſpake their moſt inward Thoughts, than the Forfeiture of their Credit in Matters wherein their Subjects relied upon the Honour and Truth of their Word. For they, who do not mean as they ſpeak, when People are prepared to hear them, muſt not expect that their Words ſhould be much relied upon, when their Tongues are the true Interpreters of their Minds. And let me tell your Lordſhip, that this laſt Declaration hath cauſed Multitudes of his Majeſty's beſt Subjects to reflect upon, and take a View of,

many of his former Declarations, that from them they may be furniſhed with Reaſons for juſtifying themſelves in the Suſpenſion of their Aſſent to this. And I wiſh there had not been that Cauſe adminiſtered by foregoing ones, which may with too many leſſen the Value of the Royal Word in that bearing Date the ſecond of *June*.

The firſt of this Kind he ever publiſhed, after he came in View of being reſtored to the Sovereignty over theſe Kingdoms, was that dated at *Breda*, the 4th of *April*, 1660, wherein he promiſed *Liberty to all tender Conſciences*, and engaged the ſacred Word of a King, *That no Man ſhould be diſquieted, or called in queſtion, for Differences in Matters of Religion, provided they did not diſturb the Peace of the Kingdom.* Now though I will not diſpute about the Senſe wherein this Declaration was meant, nor concerning the End for which it was calculated and framed; yet this I may be allowed to ſay, that there are a great many of his Majeſty's Liege People who have taſted Dealings directly repugnant unto it, and may juſtly complain of ſome Failure in the Accompliſhment of it.

'Tis true, his Majeſty is not originally to be blamed that it had not the hoped-for Effects; but withal, that Prince that can be over-ruled, to recede from a Promiſe, which contributed ſo much to his happy and peaceable Reſtoration, may be ſuppoſed capable of ſuch Impreſſions from Men of ill Minds, as may make him venture his Royal Word in other Caſes, beyond the Meaſures of Juſtice. But ſeeing it were a Buſineſs of too much Fatigue to call over all the Declarations ſince his Majeſty actually occupied the *Britiſh* Throne, I ſhall therefore remind your Lordſhip only of two more; whereof the firſt is that of *January* the ſecond, 1671, wherein the King, upon ſhutting up the *Exchequer*, declares, on the Word of a Prince, *That the Reſtraint put upon Payments out of the Treaſury, ſhould continue no longer than till the laſt of* December, 1672. and yet the fulfilling of this is ſtill prorogued, though it be now above *Nine Years* ſince the *Royal Word* was pledged for making it good.

The other that I ſhall refreſh your Memory with, is that of the 20th of *April*, 1679, wherein his Majeſty having ſhrived himſelf, and craved Abſolution for all paſt Matters, ſolemnly declareth, that he would, for Time to come, *lay aſide the Uſe of any ſingle Miniſtry, or private Advices, or foreign Committees, for the general Direction of his Affairs; and that he would afterwards govern his Kingdoms by the Advice of that Council which he had then choſen, together with the frequent Uſe of his great Council of his Parliament, as being the true and ancient Conſtitution of this State and Government.* Far be it from me to blame his Majeſty for the Diſappointment of thoſe Hopes which the People had ſo univerſally conceived upon that Declaration, which was ſo full of Ingenuity and Candour, and ſo adapted to the Honour, Safety, and Intereſt both of King and Kingdom; but this may be ſaid, without the leaſt Umbrage of Irreverence, that the ſame peſtilent Men, who were able to cauſe his Majeſty to violate ſuch a Declaration, wherein he ſpake the moſt like a wiſe and good Prince that ever he did, may be alſo able, by the ſame aſcendant Influence, to wreſt an unadviſed and bad one from him. The ſame Councils which prevailed upon him to go againſt both his Royal Word, and all the Maxims of Policy, with which he is ſo richly endowed, may they not likewiſe be conceived to have over-ruled him in this, to ſpeak againſt his Knowledge, and thoſe moral Principles of Truth and Juſtice, with which,

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when left to himſelf, he appears to be imbued? Nor do I doubt but that, among other Things they had in Proſpect to compaſs by this Declaration, they hoped to ſhut his Majeſty out of the Love of his beſt Proteſtant Subjects; ſo that when brought to fall by their traiterous Conſpiracies, his Death may be at once unlamented and unrevenged. But let them not flatter themſelves, for if there be any thing falſe or unjuſt in it, we aſcribe it all to their Rage againſt our Laws and our Religion, and do only complain of the King's Facility in ſuffering himſelf to be ſo openly abuſed.

Seventhly, But whereas there is one thing in the Declaration, by which Men of honeſt and eaſy Minds, being unacquainted with the Practices of the World, are apt to be ſomewhat ſtartled; namely, *the King's calling Almighty* God *to witneſs, and affirming upon the Faith of a Chriſtian, that there was never any Marriage, or Contract of Marriage, had or made between him and Mrs.* Walters; I think myſelf obliged to lay before you the Senſe and Apprehenſions which wiſeſt Heads have of that Proteſtation and ſolemn Appeal.

If, ſay they, neither the Eye nor Dread of *God*, nor the Faith of a Chriſtian, are effectual to reſtrain a Perſon from Adulteries and promiſcuous Scatterings, Can we have any Security that they will prevent ſuch a one from the Guilt of other Crimes? He who neither trembleth, nor bluſheth to proclaim his Uncleanneſſes to all the World, will he forbear Sins of any Kind or Hue, out of Principle, though he may poſſibly omit them by Accident, and in Compliance with Intereſt?

It was a Maxim of an ancient Ruler, that as Children are to be cozened with Nuts, ſo Men are to be deluded with Aſſeverations and Oaths. And upon this Occaſion they call to mind the Character faſtened upon *Charles* the Ninth of *France*, namely, that the ſureſt Symptoms by which it was known when he ſpake falſely, was the endeavouring to confirm what he ſaid by the moſt dreadful Imprecations, and execrable Oaths. And what our own Hiſtorians leave upon the Memory of his Royal Majeſty's own Grandfather in this Point, I had rather you ſhould learn from *Wilſon*'s Hiſtory of King *James*, than be told by me. Beſides, ſay others, who knoweth but that the King, through the like Impreſſion of Fear, under which he lifted up his Hand to the moſt high *God*, at *Scone*, when crown'd in *Scotland*, may have been influenced and over-awed to make this late Appeal and Proteſtation?

He who hath done one ſuch Thing, and eſpecially with that Solemnity, and Profeſſion of Sincerity wherewith he took the Covenant; can it be otherwiſe apprehended, but that he may do the like again, if there be ſufficient Cauſe for the ſame Paſſion which biaſſed him againſt Knowledge and Conſcience then? Nay, the utmoſt Inducement that ſwayed and determined him, contrary to his Judgment and Light, to ſwear by the great *God*, in Terms ſo auguſt and aweful in *Scotland*, was meerly an Apprehenſion of being otherwiſe ſecluded from his Right over that Kingdom; but it is more than probable, that no leſs than a Dread of looſing his Life, as well as three Kingdoms, hath neceſſitated him to this which he hath now done. Now it is but conſidering the Seaſons when the ſeveral Declarations pronounced firſt in Council, and at laſt publiſhed to the World, were made, and you will be ſoon convinced that they were extorted from him, partly by the Neceſſity of his Affairs, and partly by the frightful Aſ-

cendancy which his Brother hath obtained over him. For the firſt, which we are here in the Print told of, was that made the ſixth of *January*, 1678, when the Condition and Poſture wherein Things then ſtood, made it indiſpenſably needful that the King ſhould oblige his Brother to withdraw, and which the Duke of *York* (though he knew that his Stay here at that Time, would have, in all likelihood, involved his Majeſty under inextricable Difficulties) refuſed to comply with, till he had wreſted that Declaration from him.

And as for the ſecond, which was made alſo in Council, *March* 3, 1678, it is obvious to every conſidering Man, and demonſtrable to all the World, that it was the Effect of that Neceſſity which his Majeſty's Affairs had reduced him unto. For the Parliament being to meet the ſixth of that Month, and it appearing by the ſeveral Returns of the Perſons elected to ſit, that we were like to have a Houſe of true *Engliſh* Gentlemen, who would not only inſpect the late *Popiſh* Plot, but enquire into the Miſcarriages of public Miniſters: Hereupon, as the Duke threatened to return, unleſs the King would make ſome freſh Declaration, whereby, being pronounced and repreſented as next Heir, he might be ſcreened from the angry but juſt Reſentments of the Nation; ſo diverſe Perſons at home, who knew themſelves unpardonably criminal, applied their Thoughts to find out a Method, by which a Miſunderſtanding might, in a ſhort Time, ariſe between the King and his Parliament: And, apprehending that the Duke of *York* could not poſſibly eſcape the Animadverſion of the Houſe, all the Treaſons and Crimes whereof others were only guilty in their reſpective Parts and Proportions, meeting in him as ſo many Lines in their Center; they accordingly, by threatning to make their own Compoſitions, and to lay open all thoſe Matters, which they conceived his Majeſty to be moſt ſollicitous to have concealed, brought the King to make that Declaration. Whereby having, in Effect, ſignified the Duke of *York* to be the next in Right to ſucceed, they reckoned they had wrought him to ſuch an Eſpouſal of his Brother, as muſt needs break all Meaſures of fair Correſpondency with his Parliament. And as this was the principal Thing they aimed at, ſo, by denouncing ſtill, to provide for their own Security, in detecting whatſoever they knew, they kept him to an Adheſion to the Declaration which he had made, and thereby not only embarraſſed all his Affairs, but ſo embroiled him with the Houſe of Commons, as that in a few Weeks they compaſſed the Diſſolution of the Parliament.

Having thus briefly repreſented unto your Lordſhip under what Influence of Neceſſity and Fear theſe Declarations were at firſt made in Council, I need not tell you through what Impreſſions, by the inceſſant Importunity, and daily hectoring of his Majeſty by the Duke, now at *Windſor*, they come at laſt to be printed and proclaimed to the World. The King, poor Gentleman, is willing to buy his Peace at any rate, and hath here ſtaked his Honour, not to ſay his Conſcience for it: But as you know that neither Conceſſions, Declarations, nor Alienations, made by a Perſon in Durance, or under Threatnings, or ſwayed by Apprehenſions of the Hazard of his Life, can oblige others, though they be ſuch as are wrapt up in, or concluded by him, in all Caſes wherein he is ſuppoſed free; ſo, in plain *Engliſh*, the Generality of the People, and thoſe of the beſt Senſe, hold themſelves no wiſe affected or preſcribed unto by theſe Declarations. For we, who knew the Tenour of them when they lay concealed in the Council-

Council Books, and yet thought ourſelves at Liberty to believe as our Judgments conducted us, are not likely to have our Minds altered by the bare printing of them. But how far the Conſcience of the King is concerned or defiled, I leave to thoſe of the Theologic Faculty to reſolve, only I judge that the ſame caſuiſtical Divinity whereby they ſalved the Conſcience, and vindicated the Honour of the King, in the Caſe of the Covenant, and withal diſcharged him from the Obligation which it was ſuppoſed to have put upon him, may, whenſoever he thinks meet, ſtand him in good ſtead, and afford him the ſame Relief in the Caſe of the late Declarations.

Eighthly, There is one Thing further, that muſt not be omitted, becauſe it gives us Amazement, and yet affords us pleaſant Diverſion; namely, the Motive they have brought his Majeſty to alledge for his making and publiſhing this Declaration. I confeſs I could not read it without Surprize, and wonderful Emotion. And I dare ſay, when you think ſeriouſly of it, you will find Pity ſtir in your Heart to your abuſed Prince, and your Blood ſwell in your Veins through Indignation at ſome about him. For after the Care they have ſuffered him to take for preſerving our Religion, Lives and Liberties, from the Deſigns of the *Papiſts*, by diſſolving two Parliaments, and ſo often proroguing a third; they bring him now to publiſh this Declaration, to relieve the *Minds of his loving Subjects from their Fears, and to prevent the Ill Conſequences, which a Belief of his having been married to the Duke of* Monmouth's *Mother, may have in future Times upon the Peace of theſe Kingdoms.* A moſt proper Way to extinguiſh our Fears, by doing all that he can to ſubject us hereafter to one, who is the profeſſed Enemy of our eſtabliſhed Religion and legal Government. But that your Lordſhip may the better comprehend how highly we are obliged to his Majeſty, for his Love and Tenderneſs to his People, in all that they judge dear and valuable, by deſigning ſo hopeful a Succeſſor over them; I ſhall recount ſome of thoſe many Particulars from which we eſteem ourſelves capable of judging what a gracious and deſirable Prince, this dear and beloved Brother is like to prove.

1. He is a Gentleman that hath renounced the Religion, wherein he was not only educated, and which theſe Nations profeſs, but which he had conſigned unto him, ſealed with the Blood of his Father, and entailed upon him and the whole Line, by no leſs than his Grandfather's Curſe, in Caſe any of old *James*'s Offspring ſhould depart from it.

2. He hath made it his Buſineſs to ſeduce his Majeſty's Subjects to the Papal Faith, and to enſlave them to a foreign Juriſdiction: And by his Addreſſes, Sollicitations, and Preferments, wherewith he is able to reward ſuch mercenary Souls as are ready to make Sale of their Religion, he hath made more Converts to the Church of *Rome* than all the *Engliſh* Miſſionaries have been able to do.

3. Through the Power which he hath obtained over the King, he hath procured the chiefeſt Places of Strength in the Nation, and ſome of the greateſt Truſts, as well Civil and Religious, as Military, to be conferred upon known Papiſts, and ſworn Enemies to the Proteſtant Cauſe, and *Engliſh* Liberties.

4. He hath been the principal Promoter of Arbitrary Government, and of making the King's Intereſt both diſtinct from, and oppoſite to that of his People.

And

And this he hath done in purſuance of Papal Advice, and in Subſerviency to the *Romiſh* Intereſt. For, where the Monarch is abſolute, and the Lives and Fortunes of whole Nations are enſlaved to the Will and Pleaſure of one Perſon, mere wheedling of a luſtful, weak, or inconſiderate Prince, will go a great Length in the gaining vaſt Multitudes to adore the Triple Crown: And for ſuch as ſhall prove Stubborn and Refractory, it is but meritoriouſly to kill them, and then convert their Lands to the Uſe of the Holy See.

5. It was this darling and beloved One, that authoriſed the Burning of *London*, and not only made his own Palace a Sanctuary to the Villains, who were ſuſpected as Inſtruments of that dreadful Conflagration, but reſcued and diſcharged diverſe who were apprehended in the very Fact: And this he did partly in Revenge, foraſmuch as *London* had been both the Magazine of Strength and Treaſure, during the War with the late King; and partly to gratify his *Popiſh* Friends, by deſtroying the Bulwark of the *Proteſtant* Religion, and the chief Receptacle of the *Heretics*.

6. It was this preſumptive Heir, that all along obliged his Majeſty to neglect the concerning himſelf in Favour of the *Proteſtants* abroad, and did ſo order it, through his Power over the King, that never any Foreign Alliance was made but what was abuſed to the betraying of them. And here let me call over a Story, and perhaps a more Tragical one, and accompanied with baſer Treachery, than any Hiſtory is able to acquaint you with. One Monſieur *Rohux*, a *French* Gentleman, coming into *England* to treat with the King concerning an Alliance between his Majeſty and Foreign *Proteſtants*, merely for the Preſervation of their Religion, and having acquainted the Duke of *York* with his Errand, after he had in a private Conference or two tranſacted with the King about it, this Royal Prince, out of his wonted Kindneſs to the *Proteſtants* and the Reformed Religion, cauſed *Rouvigny* (Leiger Ambaſſador from *France* at this Court) to ſtand behind the Hangings at St. *James*'s while he made this innocent Gentleman diſcourſe over the whole Buſineſs. Upon which Monſieur *Rouvigny* being obliged to acquaint his Maſter with it, Monſieur *Rohux* (who upon ſome Intimation that the Duke had betrayed him) had withdrawn hence to *Switzerland*, was there ſeized by a Party of *French* Horſe and brought to the *Baſtile*, where, after ſome time Impriſonment, he was carried to the Place of Execution and broken upon the Wheel.

7. It was through the Duke of *York*'s means, that both the firſt and ſecond Wars were commenced againſt the *Dutch*; and that in Order not only to weaken the *Proteſtants* by their mutual deſtroying of each other; but in Hope to have turned the victorious Arms of the King upon the *Heretics* at Home and the Patrons of *Engliſh* Liberty.

8. It was this zealous Prince, for the Honour and Safety of *Britain*, that adviſed the breaking the Triple League, which was the wiſeſt Conjunction and moſt for the Glory of the King's Reign, and the Preſervation of his Dominions, that ever he entered into: And this he did not only to gratify *France*, whoſe Penſioner as well as whoſe Confederate he hath been, but to leave the *Proteſtants* here naked to the Attempts of the *Papiſts*. For he knew that while that League continued firm, the King of *Sweden* and the States of *Holland*, would have conſtrued all Deſigns upon the *Proteſtants* in *England*, as done againſt

thoſe of the ſame Religion with themſelves, and in Favour of whoſe Profeſſion they had entered into that Alliance.

9. He hath not only maintained Correſpondence with Foreign Princes, to the betraying of the King's Counſels, but hath confederated with them for the Extirpation of our Religion, and overthrowing our legal Government: And beſides many other Evidences of this, which it is not convenient to mention at preſent, the Depoſitions which arrived with the Committee of Secrecy during the Seſſion of the late Parliament, together with *Coleman*'s Letters, and that which he wrote in the Duke's Name, and indeed by his Command, do uncontroulably demonſtrate it.

10. He was conſenting to and hath co-operated in the whole *Popiſh* Plot; for both his Confeſſor and Secretary, did with his Knowledge and Approbation, ſeal the Reſolves for the King's Death.

11. It was the Duke, who, when the King had revealed the firſt Diſcovery of the helliſh *Romiſh* Plot to him, immediately communicated it to Father *Bedingfield*, that ſo the Conſpirators might know how to ſecure their Papers, and abſcond themſelves.

12. It was he who, through his Command over the Poſt-Office, prevented the intercepting the Letters from *St. Omers* and other Foreign Seminaries, whereby that whole damnable Conſpiracy would have been more fully detected.

13. He employed his own Dutcheſs to tranſport ſeveral of the Traitors to *Holland*, that ſo they might eſcape the Search that was made for them, and the Puniſhment which they had deſerved.

14. It was he who ſuborned, encouraged and rewarded the vileſt Miſcreants to frame and ſwear a Plot againſt the Proteſtants; and this he did to beget a Diſbelief of the *Popiſh* Conſpiracy, and in Order to deſtroy ſuch of the Nobility and Gentry, as were the chief Aſſertors of the reformed Religion and *Engliſh* Liberty.

15. It was he who adviſed the ſeveral Prorogations and Diſſolutions of Parliaments, whenſoever they were either conſidering the bleeding Condition of the *Proteſtant* Intereſt abroad, or ſupplicating the King to an Alliance with *Proteſtant* Princes for its Protection and Preſervation.

16. It was he in whoſe Favour the Diſſolution of the laſt Parliament was procured, and who hath prevented the ſitting of this after eight ſeveral Times appointed for their Meeting: And all to hinder the Trial of the traiterous Lords in the *Tower*, and to obſtruct the further Search into the many helliſh Plots, wherein himſelf and the reſt of the *Papiſts* were engaged, for the Subverſion of our Religion and Laws, and the Deſtruction of the Lives of his Majeſty and People. And how much he hath leſſened his Majeſty's Intereſt in the Hearts of his Subjects, and weakened their Confidence in his Royal Word, by obliging him to treat this Parliament as he hath done, ſeeing in his Speech to both Houſes, *March* 6, 1678, he had ſo ſolemnly declared his Reſolution to meet his People frequently in Parliaments, and into what Straits and Wants, they have thereby alſo reduced him, I ſhall rather leave your Lordſhip ſilently to conſider, than take upon me at this Time to unfold.

17. It was he who, after he had for ſo many Years promoted the aiding and ſuccouring of *France* with *Engliſh* Forces, till that aſpiring Prince was aſcended to a Power and Greatneſs not to be in any Probability withſtood or controuled, did at laſt engage his Majeſty in making the general Peace, which is a thing ſo highly prejudicial to all *Europe*, in the unavoidable Conſequences of it.

18. It was he who countenanced and enlivened the late traiterous Combination of Prentices and Ruffians, and who, together with the Lords in *Tower*, iſſued out the Money both for the Expences of their Entertainments, and for the providing them with Arms to diburb the Peace of the City and Kingdom, and aſſault the Houſes and Lives of his Majeſty's liege People.

19. It is he who hath enrolled and ſecretly muſtered Men in all Counties of *England*, and who, beſides the *Engliſh Papiſts*, whom at this Time he hath called from all Parts of the Nation to *London*, is alſo provided of a great Number of *Iriſh* who formerly waſhed their Hands in the Blood of *Proteſtants*, or are the genuine Offspring of thoſe that did. Now being thus furniſhed and environed, he is reſolved (unleſs *God* in his Providence miraculouſly interpoſe) to put all to a Venture and over the ſame Game in *England*, that was heretofore acted in *Ireland*.

20. It is he who cheriſheth in his Boſom and exalteth to the higheſt Truſts, ſuch as Col. *Worden*, who betrayed his Majeſty's Secrets to the uſurping Powers, particularly to Mr. *Scot*. Nay, himſelf may be charged with many Things in thoſe Times, whereby we may apparently diſcover, both his Treachery to his Majeſty, and his Ambition to have uſurped the Crown from him. For when a loyal Party of the *Engliſh* Fleet had eſpouſed his Majeſty's Right and Title, againſt the Enemies of his Crown and Perſon; the Duke who, being then Abroad, ſhould have encouraged and ventured his Life in Conjunction with them, did inſtead thereof, by a moſt ſhameful and diſloyal deſerting of them, both diſcourage them in their Fidelity, and, ſo far as in him lay, oblige them to compound for themſelves with Excluſion of his Majeſty's Intereſt. Yea, beſides this, when the *Scots* were treating with the King at *Breda*, in order to the eſtabliſhing him in the Throne of that Kingdom, the Duke of *York*, was at that Time tranſacting with ſuch as remained faithful to the King's Title here, that they would renounce his elder Brother and chuſe him for their Sovereign. Nor do I believe that his Majeſty can forget the Occaſion and Deſign, upon which the Duke forſook him at *Bruges*, and withdrew to *Holland*; ſo that the King was neceſſitated not only to command his Allegiance to return, but was forced to ſend the Duke of *Ormond*, and ſome other Perſons of Quality, to threaten as well as perſuade him, before he would go back.

21. It is he, who, not thinking the Declaration enough to facilitate his Aſcenſion to the Throne, or to ſecure him from Reſiſtance in the Attempts he purpoſeth upon our Lives and Liberties; hath been and ſtill is endeavouring to be admitted and let further into the Government; and accordingly hath accoſted the King, by my Lord *Duraſs*, in that matter. This is the more ſurpriſing, foraſmuch, as one would think, that it is not poſſible he ſhould be further let into the Government, having *Berwick*, *Hull*, *Langer-point*, *Sheerneſs*, *Portſmouth*, and the Magazine of the *Tower* (*Legg* being now Maſter of the *Ordnance*) in the Hands of his ſworn Vaſſals and Creatures; and having alſo the Super-

Superintendency of all civil Affairs in him, unleſs by taking the Sceptre actually into his Hand, he ſhould confine the King to a Country-Houſe, and an annual Penſion. And his Partiſans about the Town, talk of no leſs than the having the Duke crowned, during the King's Life, as *Henry* II. (tho' upon far different Reaſons) was crowned in Conjunction with King *Stephen*. And I wiſh that what the Brother of the King of *Portugal* hath of late Years effected againſt his Prince, did not awaken our Jealouſy to fear, that the ſame may be attempted by a Diſpenſation from the infallible Chair elſewhere. However, they have taken Care, ſhould they accompliſh this Deſign, that they may not be obliged to entertain our *Katherine*, as they in *Portugal* did the *French* Madam married to *Alphonſo*; foraſmuch as the beſt Part of the Portion with our Princeſs, namely *Tangier*, is, through the Courage and Conduct of my Lord *Inchequin*, one of the Duke's greateſt Confidants, as good as diſpoſed of. But ſhould they proceed in this Deſign againſt his Majeſty, it becomes all his Majeſty's good Subjects to endeavour, as one Man, the reſcuing him from under their Power, ſeeing the very Deſignment of ſuch a Thing is a Treaſon of ſo high a Nature againſt the King, that we ſhould be wanting in our Allegiance, ſhould we not apply ourſelves in the Uſe of all poſſible Ways and Means to puniſh and avenge, as well as prevent, the Execution of it. Now, my Lord, theſe are but few of the many Particulars, by which we are ſufficiently enlightned, concerning the Duke of *York*, and we may abundantly learn from theſe, how much we are indebted to his Majeſty for his Grace, Favour, and Care in appointing ſuch a one after him to ſucceed over us? Do not all our Fears hereupon immediately vaniſh and die; and Hope, Joy, and Gladneſs revive in our Hearts on this Proſpect, which the King hath given us of ſo good an Heir? But, poor Prince! we at once compaſſionate and forgive him, knowing that this proceeds not from his Inclination, but that he hath been hurried and forced to it. Nor do we need any farther Aſſurance of the inward Propenſions of his Majeſty's Heart, and the Diſlike his Breaſt is filled with for what he hath done, but the Endeavours which he uſed (under daily and manifold Importunities to the contrary) to have avoided it, and the Sadneſs which appears in his Countenance, ſince overawed to publiſh this Declaration. And as for the Duke of *York*, let him not deceive himſelf; for as he may perceive by this that we fully underſtand him, and know the Kindneſs he entertains for us, ſo we are prepared for him, and reſolved to return unto him, and his, in the kind they intend to bring. For having both divine and human Laws on our ſide, we are reſolved neither to be Papiſts nor Slaves; and, conſequently, not to be Subjects to him, who hath vowed either utterly to extirpate us, or to reduce and compel us to be both the one and the other.

Laſtly, For the iſſuing of all this Controverſy, concerning whoſe Right it is to ſucceed next, after his Majeſty, Men here about the Town accuſtomed to Diſcourſe, think, that there need but two Propoſals, and thoſe very rational ones, to be made. The firſt is, that the Parliament being admitted to ſit, they may examine this Affair, whereof they alone are competent Judges. Whatſoever Declarations may otherwiſe ſignify, yet is it a Principle, which can never be obliterated out of the Minds of *Engliſhmen*, That they are neither binding Laws, nor can alienate or extinguiſh the Rights of any. Shall the Son

of a common Perſon be allowed the Liberty to juſtify his Legitimacy, in caſe his Father prove ſo forgetful, or ſo unnatural as to diſclaim him? And ſhall the Duke of *Monmouth*, merely by being the Son of a King, forfeit this juſt and univerſe Privilege? If his Majeſty was indeed married to that diſcountenanced Gentleman's Mother, he is by our Laws, the Son of the Kingdom, as well as the Son of King *Charles*. And therefore it is neceſſary, as well as fit, that the People ſhould in all due and legal ways underſtand, whether they have any Intereſt or not in him, before they be commanded to renounce him, or reſign it. All therefore we deſire is, that this matter may be impartially and fairly heard, and that before thoſe who alone have right to be Judges of it: And as no other courſe but this can ſatisfy the Minds of the People; ſo it cannot be expected that upon the Authority of a Declaration, eſpecially gotten as this was, they ſhould ſacrifice the Share, (which for any thing yet appears) they have in him as their apparent Prince and next Heir to the Throne. And unleſs this be obtained, the People will undoubtedly think their own Rights invaded, whatſoever the ſaid Duke judgeth of his.

The ſecond thing we would humbly beg, as well as propoſe, is, That the Parliament being called to ſit, the Duke of *York* may be legally tryed for his manifold Treaſons and Conſpiracies againſt the King and Kingdom. For if he be innocent, and that the Right of Succeſſion be his, all Men will quietly acquieſce under him; but if he ſhould prove guilty (as we no wiſe queſtion but that he will) ſhall his Treaſons, when a Subject, qualify him to be a King, and pave the way for his riſing to the Throne? According to all Equity as well as Law, he ought firſt to juſtify himſelf from all traiterous Attempts and Acts againſt the King and People, before he be allowed to have his Claim heard, concerning any Title that in Time to come he may have to rule over theſe Nations. I ſhall ſubjoin no more at preſent, ſave that I am,

London, June 10, 1680.

My Lord,

Your moſt obedient Servant.

A LETTER from *SCOTLAND:* Written occasionally upon the SPEECH made by a *Noble Peer* of this Realm.

By a better Protestant *than the Author of it, (though a Servant to his* ROYAL HIGHNESS.)

[*The Speech here intended, is to be found in the Collections of Parliament Proceedings for the Year* 1680; *and Mr.* North *in his* Examen *of Dr.* Kennet's *History, takes Occasion to say, That as no Kind of Libels came forth with that Advantage, Energy and Authority as those which had the Word Parliament in the Front, Lord* Shaftsbury *often contrived such to pass the Press, and be cry'd about: He instances the Speech in Question; calls it a very bad one, and adds, That when the Lords took Notice of it, in order to Punishment, his Lordship denied it to be his, and so escaped that Censure; that the said Speech was publicly burnt by Order; and that it was said, that few Things, if any, were contained in it, which had not really been spoke by his Lordship in the House, at one Time or other; and by way of Example, throws in the following Expressions,* We want a King we can trust:——We must have a Change, *&c.*

I Have heard much of the * *sad State and Condition we are in,* and I am convinced of it, since I see such Reflections made with Impunity upon the King's Person and Government. I shall say little to the † Precedent of our *Henry* IV. Unbridled Violences, and mean Condescensions, are the unhappy Necessities of an Usurper; but a good and a lawful King is obliged to maintain his own Prerogative, as well as the Rights of his Subjects. But is it possible, that the *supposed* Author of the printed Speech, should already forget, how lately the King (after a great Retrenchment of his Family) did at once, and (as it is said) by his Lordship's ‖ Advice, change almost his whole Council? And yet the People (or those that still make use of their Names) never were, nor will yet be satisfied. I will not put his Lordship in Mind of the ** *Court-Ladies,* since he doth not remember he spoke of them: But unless he

* These Words occur in the Opening of the *Speech,* which indeed ought rather to have been called a *Reply,* for such it was, to what two or three Lords on the Earl's Bench had offered, in *Answer* to a *Speech,* made by his Lordship in the Committee before.

† That he had given up a great Part of his Family and Council at one Time to please the People.

‖ According to Sir *William Temple,* Lord *Shaftsbury* was never advised with upon it.

** He was reproached with having mentioned the *chargeable Ladies at Court* in his Speech;

make himself a *Samuel*, I do not know what Authority he has to examine *Saul*, about the Bleating of the *Cattle?* I cannot believe his Lordship could have the Heart to sacrifice the *fairest* of them; his Lordship may read in the same Place, that *Obedience is better than Sacrifice*; but if a Sacrifice must be made, *It is not to the People, but to* God *and Justice.* I would fain understand what is meant by the *People?* For now every Man calls himself the *People*; and when one Man calls for one Thing, and another for something directly opposite, both cry out, that if this, or that be not done, the *People* is betrayed; that is to say, they will endeavour to perswade them so. But the *People* in this Speech, hath a strange Dialect, such as I hope no *Englishman* understands: *Must*, was never the Language of a good Subject, nor Submission the Part of a King: *(We must*, &c. † and no *new Converts)* I am sorry, that with all our Zeal, we are so unkind to *Proselytes*; we had a greater Value for them not long since; for though *L. B.* was accused of the Plot, his Conversion secured him without a Pardon, though either his Lordship was deeply guilty, or the King's Evidence grosly perjured. 'Till the Author discover who he means by *Sempronia*, I shall not tell him who I believe to be as bad as *Cataline.* But it is prodigious, that while we are frighted with Bug-bears of invisible Dispensations from the Pope, his Lordship, with his arbitrary *Must*, should dispense at once, with the Law of *God* as to the *Queen*; with the Law of Nations, as to foreign Ministers; with the Laws of Hospitality, as to Strangers; and all that Part of the Oath of Allegiance, that concerns the Heir of the Crown; which is equally binding with the rest, to all whose suspected Honesty cannot accept of such an arbitrary Dispensation. His Lordship seems much concerned to hear of a * *Bargain* between the King and the House of Commons; and so am I; for things are too ripe for Mischief, when Subjects are permitted to capitulate with their Sovereign. The King's Subjects (by his Permission) have made Capitulations with foreign Princes; but his Lordship would not have the King so far trusted, as that his own Subjects may capitulate with him, because, as his Lordship says, he has so often *deceived* (that hard Word) *the People.* And I beg leave to use the same Expression of his Majesty's Patience, which his Lordship uses of his little Care of his Person, That *no Story affords a Parallel of him.* The Actings of the Duke are indeed admirable to all, but incomprehensible to such as have not the true Principles of Loyalty rooted in them. But his Lordship (who in *Cromwell*'s Time was much better acquainted with what passed at *London*, than at *Brussels)* avers, That the Duke had an early aim at the Crown, before the King's Restoration; this is a high Charge, and ought to be better proved than by a bare Assertion: Hath his Lordship any Letters to produce from his Royal

Speech; and, in his Answer, making Use of the Words of *Samuel* to *Saul*; he says, *What means the Bleating of this kind of Cattle?* and hopes the King will answer, as *Saul* did, *That he preserves them for Sacaifice*; and that he will deliver them up to please the People.

† The intervening Words are, *neither Popish Wife, nor Popish Favourite, nor Popish Mistress, nor Popish Counsellor*, at Court.

* The Words in the Speech are *have made Offers to the King*; and he plainly points out the Earl of *Hallifax*, as the Person who had made the House acquainted with that Circumstance.

Royal Highneſs to himſelf, or any other chief Miniſters of the Uſurpers? Or to what Crown could the Duke pretend, when they had robbed the King of his own? The Duke can ſhew undeniable Proofs of his Allegiance, even in thoſe Days: For what could an exiled Prince do more, than leave the great Commands and Penſions that he had abroad, and all the Advantages that his Birth, his Courage and his Reputation promiſed him, to follow the Fortune, and the Wants of his Majeſty? But how will his Lordſhip make out, that after the Match with a *Portugal Lady*, (for that is the only Title his Lordſhip allows the Queen) the Duke and his Party made *Proclamation to the World*, that we were like to have no Children, and he muſt be the certain Heir: Where is the *World?* And where is the *Proclamation?* He ſays the Duke took his Seat in Parliament, as Prince of *Wales*; but his Lordſhip knows, that the Seat on the Right Hand of the State, was, and is reſerved for the Prince of *Wales*; the Duke took that on the left Hand; the printed Pictures of the Houſe of Peers, ſitting upon the Tryal of the Earl of *Strafford*, ſhew, that this is no Innovation; and his Royal Highneſs had the ſame Seat, when the King his Father called the Parliament at *Oxford*. He urges, that the Duke had his Guards about him, upon the ſame Floor with the King, and ſo the King was every Night in his power: It was a timorous Ambition that loſt ſo many Opportunities. But what an Impudence is this? The Duke never had Guards; they are the King's; the King pays them; they wait in their turn upon the King; and have but the Name of the Duke, as the Foot-Regiments have of Colonel *Ruſſel*, and my Lord *Craven*; ſo the Duke was every Night in the King's Power. Next he fires his greateſt Gun, *The Duke is plainly at the Head of the Plot*; By whoſe Evidence? Long before the Duke was named, Mr. *Oates* declared to the Lords, that he had no more to accuſe: If he accuſe him now, and *Oates* be divided againſt *Oates*, how can his Teſtimony ſtand good? *Bedloe* ſaid as much; and ſo here appears no Evidence, where the greateſt would be little enough. I ſay nothing of a *Preſbyterian Plot*; but (with his Lordſhip's Leave) what has been, may be. The Calling, the Proroguing, and the Diſſolving of Parliaments, are ſo abſolutely in the King, that they ought to be Riddles to a Subject. When the Duke was commanded to leave the Kingdom, I appeal to all the World, how readily, how ſubmiſſively he obeyed; and, comparing his immediate Obedience, with the obſtinate Refuſal of others, [meaning the Duke of *Monmouth*] who ſtill ſtay in Oppoſition to the King's Command, let any impartial Man of Senſe decide, which has ſhewed moſt Loyalty and Duty. His Lordſhip and his Party (for he ſays, *We*) expect every Hour, that the Court ſhould joyn with the Duke againſt them; But I find the *Court* is as hard a Word, as the *People*, and as boldly, and as oddly uſed: If by that Word, he means the King, all his Lordſhip's Rhetoric will ſcarce perſuade us, that the King ſhould conſpire with the Duke, againſt his own Crown, and his own Life; if not, what can the *Court* do without the King, and againſt the Nation? Beſides his Lordſhip has too many Friends among the Courtiers, to ſuſpect them; and the Duke has met with too much Ingratitude, to truſt them. His Lordſhip avers as truly, that the King has declared the Duke to be dangerous; as, That his Royal Highneſs is now raiſing Men in *Scotland*; that whole Council, that whole Kingdom, will diſprove him; and,

by

by the apparent Falsehood of his Assertion, let all Men judge of the Truth of the rest. If the Arms, the Garrisons, *&c.* be in such Hands as the King thinks safe, we are safe too; but if not, it concerns his Majesty to secure them, since his Lordship declares, the King is to be trusted with nothing, till he has resigned himself to his Lordship, and his Party, and is wholly theirs; and yet then too, he must trust their good Nature, and surrender upon Discretion; they will allow him no other Terms, no, not to be himself, and have his Senses, unless they can fright him out of them. *I will yet charitably hope, that the pretended Author is abused: It concerns him to vindicate himself, by wishing, as I do, That the true Author may have the same Fate, that his Speech had, by Order of the House of Peers.*

REASONS for his MAJESTY's passing the BILL of EXCLUSION.

In a LETTER to a FRIEND.

[*If there are any Persons so little versed in Party-Matters as to suppose, that, because this or that Party submit to be called by one common Name, and seem to be under one common Direction, they have therefore no Divisions nor Distractions amongst themselves, they will be much at a Loss to account for some Particulars in the following Piece. For therein they will find the* Bill of Exclusion *warmly contended for; and yet some of those who were for running the greatest Lengths in the same Course, as warmly exposed. But no Party was ever so well cemented by Wisdom and Virtue, as to leave no Room for Selfishness and Folly to disjoint them: And even this before us, which was one of the most formidable that ever opposed a Court, partook of the same Weaknesses; if not in the same Degree, which have been the Disgrace of all others. If the Story of the* Black Box, *and the incessant Endeavours of the Duke of* Monmouth *to captivate the Affections of the People, make it reasonable to conclude, that he had an Interest in the* Exclusion * Bill, *and that his Friends co-operated*

* Not only the Lord-Keeper *North* is made to suggest in his Brother's *Examen* that the Succession was not settled in the Bill, purposely to prevent a Breach among the *Excluders*, but Bishop *Burnet* in Effect confirms the same Thing; For he says, Vol. I. *page* 482. "That those who refused to name the Duke's Daughter, sent such Assurances to the Prince of *Orange*, that nothing should be proposed to his Prejudice, that he believed them, and declared his Desire, that the King would fully satisfy the Parliament. That the States sent over Memorials to the King pressing him to consent to the *Exclusion*. That though the Prince did not openly appear in this, it was understood that *Fagel* acted under his Approbation. And that this created such a Hatred in the Duke towards him, as was never to be removed." And a third Person who had an Opportunity not only of reading the Bishop's History in the M.S. but of transcribing some Passages from it, and who

rated in it for his Sake; other Circumſtances, as plainly prove, that the Prince of Orange, *who, ſome time before this, had married the Lady* Mary, *was intereſted as deeply, though not as openly, in the ſame Meaſure, and had alſo his Tools to forward the Work for his Sake. It follows, therefore, That the* Excluders *were not what they ſeemed, one compacted Body, but two Bodies aſſociated to carry the ſame Point for different Purpoſes: And that, as they knew they were to part at laſt, it is no great Wonder they quarrelled by the Way.*]

SIR,

I AM not ignorant that you have lately heard Reports to my Diſadvantage, concerning ſome Matters relating to the Public: And though I flatter myſelf (much more I confeſs from your Partiality to me, than any Merit I can pretend to) that you do not think the worſe of me for them; yet becauſe one cannot be too ſure of what one values ſo highly, as I do your Eſteem, I take the Liberty to give you ſome Account of my Thoughts of the preſent Poſture of Affairs, that if I am not ſo happy as to be ſtill in the good Opinion you have formerly had of my Firmneſs to the Public Intereſt, I may learn at leaſt in what particular you conceive I have varied from it: Which laſt, though perhaps leſs welcome than the firſt, will yet be owned as a very great Mark of your Friendſhip, ſince I aſſure myſelf, you have too much Charity for me to impute my Errors in this kind, to any worſe Cauſe than want of Underſtanding.

I muſt confeſs, I have had no great Veneration of late, for ſome Men, who, though extremely zealous, in Appearance, for Things of Public Concern, and particularly for the Bill for *Excluding* the Duke of *York*, from the *Succeſſion to the Crown*, have yet taken ſuch Methods for the obtaining that Bill, as (with Reſpect to their Popularity) looked to me, as if they had rather wiſhed it ſhould be denied, than granted.

I mean a ſort of Men that paſs with the Vulgar for very Public Spirits, yet are no otherwiſe for the Public Good, than as they think it may conduce to their own private Deſigns. If Matters be not diſpoſed for them to leap into a *great Place*, or to be *reſtored* to ſome Office they had formerly enjoyed, and in which they have diſcovered *Principles* far *different* from what they *now profeſs:* If every one they have Prejudice to, be not immediately removed, or perhaps if they fancy themſelves the moſt likely to head the Rabble, ſhould Things fall into Confuſion; they will be ſure, with great Appearance of Zeal, to preſs Things of leſs Moment, and which they think will be denied, leſt any Thing that really tends to Settlement ſhould be granted: And they are for the moſt Part Gainers by this; for their Vehemence, which proceeds from dark and hidden Cauſes, ſeldom fails of being miſtaken by the Vulgar for a true and hearty Love of their Country. I believe his Majeſty will find *theſe Men* harder, I am ſure leſs neceſſary, to be *ſatisfied*, than the *Nation:* And therefore I hope you

who made ſome not very favourable Remarks upon it, is expreſs, That his Highneſs gave Inſtructions to the *Dutch* Miniſter here to deal with ſome Members of the Houſe of Commons, to promote the paſſing of the ſaid Bill. See a Tract called, *Caſſandra, But I hope not*, 4*to*, 1704.

you will not wonder, if I, who care not much for a *great Office*, if the *Bill of Exclusion* do pass, or to be popular with the Rabble, if it do not, cannot heartily concur with all that seems to be aimed at by that sort of People.

I suppose you have heard which way I have declared my Opinion concerning that Bill, when I thought it to any Purpose: But give me leave (with as little Reflection upon the Causes of the Breach of the last Parliament, as the Subject will permit) to tell you, what, in my poor Judgment, may most conduce to the passing it, in the Parliament which is to meet at *Oxford*. I cannot imagine how popular Speeches in either House, or angry Votes that are not always backed with the strongest Reason, much less the Pamphlets that fly about in the Intervals of Parliament, can signify much to the obtaining this Bill; for to what Purpose are Arguments to the People to prove the Necessity of that, which they are fully convinced of already?

I should rather think it worthy the Wisdom of the next Parliament, to consider what Arguments are most likely to prevail with the King himself in this Matter; and, instead of such Addresses as carry the least shew of Menace in them, which cannot but be offensive, since to suppose a King capable of Fear, is the worst Compliment can be made him; instead of angry Votes, which alienate the Hearts of the People yet farther from his Majesty, and make him more averse from granting their reasonable Desires, and consequently from consenting to this Bill, to lay before him such Reasons for it, as may convince him, that it is his own particular Interest to pass it.

I do not mention the House of Lords, being too well assured of the Loyalty of that Noble Assembly, to doubt of their passing any Thing for which his Majesty shews the least Inclination. Taking it then for granted that this Bill only sticks with his Majesty, no Arguments are of Moment to obtain it, but such as ought to be of Weight with him; and those I conceive to be of this Nature.

One Objection must first be removed: For since Kings, of all Men living, ought to have the greatest Regard to Justice, we must not suppose that his Majesty can ever consent to this Bill, till he be satisfied of the Justice of it. I shall therefore endeavour to prove, not only that it is just, but agreeable to the very Intention and Design of Government.

It seems to me to be an undeniable Position, that Government is intended for the Safety and Protection of those that are governed; and that where the supreme Power is lodged in a single Person, he is invested with that Power, not for his own Greatness or Pleasure, but for the good of the People. The Tyrannies in *Aristotle*'s Time, and those that continue to this Day in the *Eastern* Parts, must certainly have degenerated from a better kind of Government by some Accident or other; since what People can be supposed to have been so void of Sense, and so servilely inclined, as to give up their Lives and Liberties to the unbounded Disposal of one Man, without imposing the least Condition upon him? For admit, according to Mr. *Hobbes*, that Monarchical Government is formed by an Agreement of a Society of Men, to devolve all their Power and Interest upon one Man, and to make him Judge of all Differences that shall arise among them; it is plain, that this can be for no other End, than the Security and Protection of those that enter into such a Contract; otherwise, you must suppose them Madmen, voluntarily to strip them of all Means of Defence

fence, againſt the Fury and Violence of one of their Number, rather than continue in a State of War, where, at the worſt, they are as free to rob, as they are ſubject to be robbed. 'Tis hard therefore to conceive, that abſolute Monarchy could ever have been conſtituted by the Conſent of any Society of Men, (beſides that we ſee thoſe that live under them, would be glad to ſhake off their Yoke if they could) but 'tis probable they may have been raiſed by the Ambition and Valour of ſome Prince, or Succeſſion of Princes, or by the People's Supineneſs in ſuffering themſelves to be enſlaved by Degrees, and ſo being at laſt forced to ſubmit, when 'twas too late to oppoſe.

I have inſiſted the longer upon this Argument, becauſe another depends upon it, which comes nearer the preſent Queſtion; for if no Reaſon of Government can be aſſigned, but the Safety and Protection of the People, it follows naturally, that the Succeſſion of Princes in hereditary Monarchies, cannot be binding, nor ought to be admitted, where it proves manifeſtly inconſiſtent with thoſe Ends. I need not inſtance in all the Caſes that incapacitate a Prince to perform the Office of a chief Governor; but I can think of no Diſability ſo ſtrong or ſo undeniable, as his being of a different Religion from that which is generally owned by the People.

Religion, conſidered only in a Politic Senſe, is one of the chief Supports of Civil Government; for the Fear of corporal Puniſhments, nay, of Death itſelf, would often prove inſufficient to deter Men from refuſing Obedience to their Superiors, or from breaking their Laws, without thoſe ſtronger Ties of Hope of Reward, and Fear of Puniſhment in another Life. The *Romans*, of a fierce and rude People, were made tractable by *Numa*, and ſubmitted to ſuch Laws and Cuſtoms as he thought fit to introduce, not ſo much by their being convinced of the Reaſonableneſs of thoſe Laws, as by the finding a way to perſuade them, that all his new Conſtitutions were the Dictates of a Divinity, with whom he pretended daily to converſe. This Senſe of Religion raiſed that People afterwards, to that incredible Exactneſs of Order and Diſcipline; and the Belief they had the Gods of their ſide, made them run ſo intrepidly upon Dangers, that *Cicero* obſerves, that, though ſome Nations excelled them in Learning and Arts, others equalled if not exceeded them in Valour and Strength, it was to Religion, and their reſpect to Divine Myſteries, that they owed their Conqueſt of the World. But this very Religion, that is the Bond of Union between a Prince and his People, when both profeſs the ſame, muſt of Neceſſity produce the contrary Effects, and be the Seed of the moſt fatal Diſorders, nay of the Diſſolution of Governments, where they differ. The ſame Conſcience that ties the People's Affections faſteſt to the Prince in the firſt Caſe, diſſolves all manner of Truſt, all Bonds of Obedience, in the ſecond.

It is impoſſible that a Prince ſhould ſignify any thing towards the Support of the People's Religion, being himſelf of another; nor would it ever be believed, if he could: And how can that Government ſubſiſt, where the People are unanimouſly poſſeſſed with a Belief, that the Prince is incapable of protecting them in that, which, for the moſt Part, they value above all other Conſiderations? I know no Inſtance can be given in this *Northern* Part of the World, even in thoſe Kingdoms that have varied from their original Conſtitution, and

are become abſolute, that a Prince of a different Religion from the People, was ever admitted to the Crown. Queen *Mary* here in *England* met with ſome Oppoſition; yet ſhe could not be ſaid to be of a different Religion from the People: for Popery was ſo far from being extirpated in her Days, that ſhe found a Parliament that joyned with her in the reſtoring that Religion. But in *France*, when the King of *Navarre*, a Proteſtant, was preſumptive Heir to the Crown, the States aſſembled at *Blois* (as all Hiſtorians of that Time agree) had certainly excluded him, and the reſt of that Branch that were Proteſtants from the Succeſſion, if they had not parted abruptly, upon the Death of the Duke of *Guiſe* and his Brother. Nay ſome affirm, that the King himſelf, though of the eſtabliſhed Religion, was not out of Danger of being depoſed, upon a Suſpicion of his favouring too much the Proteſtant Faction, in Oppoſition to the *League*. After the King's Death the hereditary Right was without Diſpute in the King of *Navarre*; but he found none to aſſiſt him in the making good his Title, but the Proteſtant Party, of whom he was the Head, and ſome Creatures of his Predeceſſor, that took his Part more out of Hatred to the *League*, than Affection to him. This Prince was at laſt indeed admitted to the Crown, upon his Converſion to the Church of *Rome*. But that would not have ſufficed, nor would the Generality of the People, who were extremely zealous for their Religion, ever have truſted one that had been of another, had he not happened to be a Prince of incomparable Courage and Conduct, who, through Seas of Blood, and after many Victories, forcing his Entrance into the Capital City, made his Way to the Throne by Conqueſt, rather than by a voluntary Admiſſion of the People. It is obſervable, by the way, that the Biſhops and Clergy of *France* were ſo far from ſetting up a Divine Right of Succeſſion above the Religion eſtabliſhed, that moſt of them oppoſed him, even after his Converſion; all of them before; and the Pulpits rung with ſuch bitter Invectives againſt him, (only upon the Account of Religion) as perhaps no Age can parallel. This I ſhould think might ſerve for Inſtruction to ſome Biſhops, that I could name, who by maintaining, that nothing ought to over-rule the hereditary Right of Succeſſion, muſt either confeſs, that their Religion deſerves not ſo much to be defended as the *Romiſh* doth, or that they themſelves are not ſo zealous in the Defence of it as they ought to be. Let theſe Aſſertors of divine Right tell me, if in *France*, at this Day the moſt abſolute Monarchy in *Europe*, and where the Succeſſion is held moſt ſacred, a Proteſtant Prince would be admitted to the Crown.

And here in *England*, beſides the Conſideration of Religion, that of Property is not to be neglected; ſince what Security can be given that Abbey-Lands, in which moſt landed Men in the Kingdom have a Share, would not be reſtored to the Church under the Reign of a Popiſh Prince? The Objection that a Prince may be of the Church of *Rome*, and yet not change the eſtabliſhed Religion, is frivolous. For though there may be a Poſſibility of his not attempting it, deterred, perhaps, by the People's univerſal Deteſtation of Popery, or diſcouraged by the ill Succeſs of former Attempts; this amounts to no more, than that he will nor bring Popery in, becauſe he cannot. But is this all that a King of *England* is obliged to do, by the Oath which he takes at his Coronation? An Oath not only a Crime for him to take (if he be a Papiſt) but impoſſible for

for him to keep. For can a *Papiſt* defend that Religion to the utmoſt of his Power, which cannot be fully ſecured but by the Suppreſſion of his own? Can he be a fit Head of the Proteſtant Intereſt abroad, who (while he continues of the Church of *Rome*) muſt wiſh there were never a Proteſtant left in the World? If he be incapable of doing this, that is, if the Ends of Government cannot be obtained in the ordinary Courſe of Succeſſion, the State muſt of neceſſity fall into Confuſion, if there be not an extraordinary Power lodged ſomewhere, to provide for it's Preſervation.

That Power here in *England*, is in a Parliament, and has often been made uſe of; but I conceive, for the Reaſons above-mentioned, never more juſtly than upon this Occaſion.

And though the Juſtice of this Bill be very clear, I think the next Thing yet eaſier to prove, which is, that it is his Majeſty's real Intereſt to paſs it. For if this Government be ſo conſtituted, that the King having the Hearts of his People, is one of the moſt conſiderable Princes in *Europe*, but without them ſignifies but little, either at Home or Abroad, as I doubt that is the Caſe; and if nothing can contribute more to the alienating the People's Affections from him, than his denying this Bill, one would think there needed no other Motives to induce his Majeſty to paſs it. But beſides, I ſhould not think this unworthy of his Majeſty's Conſideration, if there are ſome Perſons to whom he may have a juſt Prejudice, and who, if they cannot bring to paſs whatever they propoſe to themſelves, will ſtill be endeavouring to make the Breach wider; whether the Denial of this Bill may not furniſh them with too plauſible Arguments with the People, to refuſe ſuch neceſſary Demands as his Majeſty may make for the Safety of the Kingdom, or the Support of his Alliances; and whether on the contrary, the paſſing it may not very much diſappoint thoſe *Counterfeit Patriots*, by taking from them the beſt Pretence they have of ſtirring up the People to Sedition.

"Nay, who knows but the Refuſal of this Bill may exaſperate the Nation "to that Degree, that a Title may be ſet up, on Pretence of a former Mar- "riage, by the help of falſe Witneſſes, which, though as ridiculous in itſelf, "as injurious to his Majeſty's Reputation, may yet put the whole Kingdom "into a Flame?"

The *Expedient* of taking away all Regal Power from a *Popiſh* Succeſſor, and leaving him only the Name of a King, can be no ſatisfactory Security to the Nation, unleſs ſuch a Form of Government were ſettled during the Life of his Predeceſſor. For otherwiſe the Succeſſor, (having a Right to the Crown, which without an Act to exclude him he will have) may not only pretend, that the Predeceſſor cannot give away his Prerogative, but probably may ſucceed in oppoſing it, by the Difficulty that is always found in the introducing of new Conſtitutions. Now whether this *Expedient* (being put in Practice during the Life of the preſent King) be not as good for the People, as the Bill, I ſhall not now diſpute; but as to the King himſelf, I think it is clear, that nothing can be leſs for his Honour or Intereſt, than to admit of ſuch an *Expedient*.

The Objection that this Bill may diſunite *Scotland* from *England*, ſeems not very weighty. For firſt, we know not but a free Parliament there, may paſs a Bill to the ſame effect; but if they do not, the Diſunion cannot happen, unleſs

the Duke outlive the King; and in that Case, will continue but during his Survivance; for the next Successor will unite the Kingdoms again. This Inconvenience therefore, if it be at all, will be of so short Continuance, as cannot be of Weight to ballance with those present and visible Mischiefs that may fall upon the Nation for want of this Bill.

Some have fancied, and I hope it is but a Fancy, that the King has made a solemn Promise to his Brother, never to pass it. I will suppose the worst. If his Majesty have made such a Promise, I conceive, with Submission, it is void in itself. For if he have taken an Oath at his Coronation to maintain the established Religion, and in order to that, it be necessary to pass this Bill, I doubt no subsequent Promise can absolve him from the Performance of that Oath. In the next Place, all Promises are understood to be for the Advantage of him that makes them, or of him they are made to, or both. But the performing this would not only be ruinous to his Majesty, but of no Advantage to his Royal Highness: For how great soever his Merit and Virtues are acknowledged to be, he lies under a Circumstance that makes it impossible for him to come to the Crown (though this Bill never pass) but by *Conquest*; and that Way he may have it, notwithstanding all the Acts that can be made to oppose him.

I shall add no more to the Trouble I have given you upon this Subject, but that I am for this Bill, because I think it just and necessary, not because it is contended for by a Party: For I hold myself as free to differ with that Party, when I think them in the wrong, as to agree with them when they have Reason of their Side. This may be an Error, at least may be subject to Misconstruction, in a time that most things are so; but I hope you that have known me long, will judge more charitably of,

SIR,

Your most humble Servant.

(Out of Lord SOMMERS's *Collections.)*

The

The Earl of *Northumberland*'s Challenge ſent unto Sir *Francis Veere*, in *April*.——

Taken from a MANUSCRIPT, out of the COTTONIAN LIBRARY.

[*It is in vain that we conſult our Hiſtories (the general ones at leaſt) either for the Cauſe or Iſſue of the Quarrel, which is the Subject of the following Paper. The Challenger, though a Man of ſuch illuſtrious Birth, and apparently of Spirit and Accompliſhments every way equal to it, is not ſo much as mentioned: And as to Sir* Francis Veere *the Perſon challenged, and who is here repreſented as acting a Part ſo inconſiſtent with the Character of a Soldier, we learn by Circumſtances, that in the Opinion of the Queen and Council, he was no way a Sufferer by it: For we find him afterwards acting as Governor of* Oſtend, *during the firſt five Months of that famous Siege, which laſted upwards of Three Years, againſt the utmoſt Efforts of* Spain, *and acquitting himſelf in all Reſpects, as became a Man of Senſe and Honour.*]

The Right Honorable the Earl of Northumberland, *having juſt Cauſe to call Sir* Francis Veere *in Queſtion for divers Wrongs done unto him, as by the Report of ſundry Men of good Credit, he was enforced, on* Saturday *the* 24th *of* April, *to ſend him* * *a* Letter or Challenge, *by Captain* Whitlocke, *with this Superſcriptive on the outſide.*

To the valorous and worthy Captain, Sir Francis Veere, *Lord Governor of the* Brille, *and Commander of the* Engliſhe *under the States.*

Of which Letter, this under-written, is the true Copy.

" I Told you at *Oſtend*, that there was no fit Time to expoſtulate Mat-
" ters; now I hold it proper to call you to an Accompt for thoſe
" Wrongs you have done me: You love to take the Air, and to ride
" abroad; appoint therefore a Time and Place to your Liking, that I
" may meet you; bring your Friend with you; I will be accompanied with
" another, that ſhall be Witneſs of the Things I will lay to your Charge:
" If you ſatisfy me, we will return good Friends: If not, we ſhall do, as
" *God* ſhall put in our Minds: I will eſchew all bitter Words, as unfit for
" Men of our Occupation; ſeek not frivolous Shifts, to divert this Courſe of
" Satisfaction; for all other Means than this that I have preſcribed, I ſhall
" call an Affirmation of that I have heard, which will cauſe me to pro-
" ceed in righting myſelf, as the Wrongs require: Make no Replies by Let-
" ters,

* Theſe Words were added by the Editor to make good the Senſe.

" ters, but ſend me your Will by this Bearer directly, that you will or will " not; (for from me you ſhall have no Cauſe of Noiſes in the World " to hinder this Courſe, leſt you baffle your own Reputation.) Whatſoever " elſe I ſhall do in this juſt Cauſe of Offence, fewer Words I would not have " uſed to have expreſſed my Mind."

After he (Sir *Francis Veere*) had received and read this Letter, he aſked Captain *Whitlock*, if he had nothing to deliver him by Word of Mouth; who replied, that in Caſe, Sir *Francis Veere* ſhould offer to write and anſwer by him, then the Earl of *Northumberland* gave him Charge to ſay, That he was forbidden to take any Letter, but to crave a direct Anſwer by Word of Mouth, which the Earl did aſſure himſelf Sir *Francis Veere* would not refuſe to ſend. Then Sir *Francis Veere*, reading the Letter out over-again, he willed Captain *Whitlock* to ſignify unto the Earl of *Northumberland*, That, upon ſuch a Subject as it was, he could not ſo ſuddenly give an Anſwer either by Word or Writing; but that he would think upon it, and ſend him one; whereupon Captain *Whitlock* aſked, if he ſhould not name to the Earl any prefixed Time? And he, Sir *Francis*, told him again in theſe expreſs Words, *That he could not name the Time preciſely; for in his Reſolutions when he took them, he was ſudden; and therefore he knew not how ſoon he ſhould be ready to anſwer him.* Thus Captain *Whitlock* parted with him. The *Sunday* Morning, the 25*th*, Captain *Ogle* came to the Earl of *Northumberland*'s Lodgings, and told his Lordſhip, that Sir *Francis Veere*, upon the Receipt of his Letter, had no Diſpoſition to lay himſelf ſo open to the Bearer thereof, as to let him underſtand his Mind; but that he had adviſed ſince with himſelf, and ſent him Anſwer of his Letter in another, which Captain *Ogle* intreated his Lordſhip to receive.

To this the Earl replied; that he was reſolved to ſtand to that he had ſet down in his Letter, ſent by Captain *Whitlock*, that he would receive no Letter, but a direct Anſwer, appointing the Time and Place, where they ſhould meet and bring either of them a Friend with them, that ſhould be Witneſs of that ſhould be ſaid betwixt them both. His Lordſhip aſked him withal, whether he had any Thing to ſay by Word of Mouth, and he anſwered, That Sir *Francis Veere* willed him to ſay, that his Lordſhip tied him to Conditions that were over-hard, by calling him to any ſuch Place abroad; to which the Earl of *Northumberland* anſwered, That it was no Diſparagment to Sir *Francis Veere* to ſay a Truth in any Place, or in any Mens Preſence; and if he would juſtify himſelf in any thing that ſhould be laid to his Charge, there was no Place fitter than ſuch as he required. Captain *Ogle* anſwered, That Sir *Francis Veere* would bring no Body with him; but was deſirous to meet his Lordſhip alone; ſo that it might be, in a Place where, for the Reſpect whereof, there ought to be no Scuffling, or Drawing of Swords.

To this the Earl of *Northumberland* replied That he would not ſtick to meet with him alone; but to ſtand upon any Reſpect of Place, it was no Purpoſe; for neither his own Houſe, nor Sir *Francis*'s, nor the Court, nor the Market-Place were fit for the deciding of their Controverſies; and that he might be ſure whereſoever he ſhould meet him, he would not go without the Weapons he did ordinarily wear; neither would bar the uſe of them if it were requiſite. With this Captain *Ogle*, being upon his Departure, offered to deli-

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ver his Letter the ſecond Time, ſaying he knew not how to acquit himſelf of his Duty towards Sir *Francis Veere*, if he did not deliver it according as he gave him in Charge.

The Earl of *Northumberland* aſked him, Whether he bad him leave the Letter in his Chamber if in Caſe he would not receive it? He anſwered, yes; that he bad him expreſly lay it down upon the Table: Which he had no ſooner done, but the ſaid Earl, ſtepping to his Sword that was hanging upon the Wall, he drew it half out; and bad Captain *Ogle* carry back the Letter; ſaying with his Hand upon his Sword, This is ſufficient for your Diſcharge of Duty towards Sir *Francis*. Captain *Ogle* then took the Letter up again and went down. When he was gone ſo far as into the Street, the Earl made him be called back again, and bad him tell Sir *Francis*, That he ſtaid in *London* expreſly, from his Buſineſs elſewhere, to have an Anſwer, whether he would appoint a Time and Place or not. Captain *Ogle* taking his Leave, made yet the third Time an Offer to deliver Sir *Francis*'s Letter; but the Earl bad him, he ſhould not offer it any more, unleſs he had a Fancy that they two ſhould have a Thruſt together. And thus Captain *Ogle* parted with the Earl the *Sunday* Morning.

The ſame *Sunday*, after Dinner, Captain *Ogle* came to the Earl with a new Diſcourſe, That Sir *Francis Veere* was willing to ſatisfy his Lordſhip; but that he was deſirous to meet him in *London*; either of them accompanied with a Man of Gravity and of ſome Rank in the State, and named for his Choice Sir *Edward Stafford*, or ſome ſuch like. To this the Earl replied, That he thought it no fit Courſe to trouble ſuch Men; for that Knight, and another his equal, were Men likely enough to acquaint the Queen and Council, if they ſaw any Difference betwixt them, that might cauſe farther Contention, and bring them both under the Power of her Majeſty's Command, by their Information: Again; if they ſhould not do this, at the leaſt, they would hinder them from going together into the Field, if either Party ſhould have juſt Cauſe ſo to do; a Proceeding flat againſt his Meaning, becauſe he deſired no Noiſe, but privately to be ſatisfied, as in his Letter did appear; and becauſe he held Sir *Francis* for a gallant Gentleman and a worthy Commander, he was reſolved to deal with him in the Stile of a Soldier; and, to be ſhort, leſt Sir *Francis* ſhould in his Scoffing Vein, ſay, That he knew how to handle a Lord, he would not accept of a *Stateſman*, but wild Captain *Ogle*; and to tell him, that he would be ſtedfaſt to his firſt Deſign to bring with him a Gentleman, and a Soldier, over whoſe Sword he was aſſured he had abſolute Authority for this Time, and in this Matter betwixt them two, and could command him in honourable Courteſy not to draw, but only to be Witneſs of their Conference and Appointments; leſt Sir *Francis*, or himſelf, after they were parted, ſhould ſay more or leſs of each other, than indeed had been ſaid: Such another he willed Sir *Francis* to bring with him; and alſo, that he ſhould once again remember the Contents of his Letter, to ſend him an abſolute Anſwer, whether he would do ſo or no. The ſame *Sunday* towards the Evening, for the laſt Time that Capt. *Ogle* came to the Earl of *Northumberland*, he brought Word, That Sir *Francis* thought it not reaſonable to ſatisfy him after the manner he did require, and therefore he would not do it, but deſired to have under his Hand the particular Cauſes for the which he found himſelf aggrieved: The Earl replied, that to write would

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be tedious, and againſt his Promiſe in his Letter, and that he would not make his Wrongs known, unleſs he might be aſſured of Satisfaction either by Word or Sword, in ſuch Place as was fit for a Nobleman that profeſſed Arms, to receive it: And that he ſhould tell Sir *Francis*, how by his Refuſal, he was thoroughly perſwaded, he had done him thoſe Wrongs, which he meant to lay to his Charge: That he would lay up this injurious Dealing in his Heart, and right himſelf thereafter as he ſhould think fit.

This matter reſted thus for three Days. But on *Thurſday* following, Sir *Nowell Carronne*, Agent for the *States*, and chief Dealer for the Buſineſs Sir *Francis Veere* hath now in Hand, did acquaint the Queen and Council with theſe Differences: And, ſuddenly, it pleaſed her Highneſs to ſend an honourable Perſonage, one of the Earl of *Northumberland*'s dear Friends, to lay her Commandment upon him, to forbear any Attempt againſt Sir *Francis*, at this Inſtant employed in her Service; which he, in all Humility, did accept of; making no Reckoning of any thing touching this Particular, in Reſpect of her Majeſty's Service and Commandment: Only he made the Company there preſent to underſtand, That he referred himſelf to all Men to judge, that made Profeſſion of Honour; and that he hoped they would not blame him if, in attending his better Satisfaction, he proteſted, That Sir *Francis Veere* was a Knave and a Coward, that, in fleering and geering like a common Buffoon, would wrong Men of all Conditions, and had neither the Honeſty nor Courage to ſatisfy any.

A LETTER to a NOBLE PEER of the REALM, about his late Speech and Petition to his MAJESTY.

[*The Noble Peer to whom this Piece is addreſſed, was the Earl of* Eſſex; *and for the better Underſtanding it, the ſaid Speech and Petition are inſerted in the Note below* *.]

My LORD,

THOUGH the great Eſteem I have always had as well for your Lordſhip's Parts and Prudence, as your Father's Loyalty, inclines me to make a favourable Conſtruction of your Words and Actions; yet the late Speech and Petition publiſhed under your Name, are of ſo ſtrange a Nature, and ſo ill an Aſpect in our preſent Circumſtances, that I cannot but acquaint you with my Thoughts upon that unſeaſonable Subject; where (did I not

* *May it pleaſe your Majeſty,*

" THE Lords here preſent, together with diverſe other Peers of the Realm, taking Notice, that by your late Proclamation your Majeſty hath declared an Intention of calling a Parliament at *Oxford*, and obſerving from Hiſtories and Records, how unfortunate many ſuch Aſſemblies have been, when called at a Place remote from the

not ſee my Sovereign ſo nearly concerned) that many do conſtrue this to be, not ſo much petitioning, as threatening his ſacred Majeſty, I would have paſſed it over, and buried my Reſentments in *Oblivion*.

I am ſorry, my Lord, you begin with ſo weak an Obſervation from Hiſtories and Records, as that many *Parliaments* have been unfortunate, when called at Places remote from the capital City. Did you ever obſerve, how unfortunate many *Parliaments have been*, when called in this capital City; or how many have been fortunate, when elſewhere convened? Do not all Writers of the late Rebellion obſerve it as a great Overſight in his late Majeſty, not to have called his *Long Parliament* to *York*, or ſome other Place remote from the

the Capital City; as particularly the Congreſs in *Henry* the Second's Time at *Clarendon*: Three ſeveral Parliaments at *Oxford*, in *Henry* the Third's Time; and at *Coventry*, in *Henry* the Sixth's Time, with diverſe others, which have proved very fatal to thoſe Kings, and have been followed with great Miſchief to the whole Kingdom. And, conſidering the preſent Poſture of Affairs, the many Jealouſies and Diſcontents which are among the People, we have great Cauſe to apprehend, that the Conſequences of the Sitting of a Parliament *now*, at *Oxford*, may be as fatal to your Majeſty and the Nation, as thoſe others mentioned have been to the then reigning Kings; and therefore we do conceive that we cannot anſwer it to *God*, to your Majeſty, or to the People, if we, being Peers of the Realm, ſhould not, on ſo important an Occaſion, humbly offer our Advice to your Majeſty; that, if poſſible, your Majeſty may be prevailed with, to alter this (as we apprehend) unſeaſonable Reſolution. The Grounds and Reaſons of our Opinion, are contained in this our Petition, which we humbly preſent to your Majeſty.

To the KING's moſt excellent MAJESTY,

The humble Petition and Advice of the Lords undernamed, Peers of the Realm;

Humbly ſheweth,

THAT whereas your Majeſty hath been pleaſed, by diverſe Speeches and Meſſages to your Houſes of Parliament, rightly to preſent to them the Dangers that threaten your Majeſty's Perſon, and the whole Kingdom, from the miſchievous and wicked Plots of the *Papiſts*, and the ſudden Growth of a foreign Power; unto which no Stop or Remedy could be provided, unleſs it were by Parliament, and an Union of your Majeſty's Proteſtant Subjects, in one Mind, and one Intereſt:

And the Lord Chancellor, in purſuance of your Majeſty's Commands, having more at large demonſtrated the ſaid Dangers to be as great as we, in the midſt of our Fears, could imagine them; and ſo preſſing, that our Liberties, Religion, Lives, and the whole Kingdom, would certainly be loſt, if a ſpeedy Proviſion was not made againſt them:

And your Majeſty, on the 21*ſt* of *April*, 1679, having called unto your Council many honourable and worthy Perſons, and declared to them, and to the whole Kingdom, that being ſenſible of the evil Effects of a *ſingle Miniſtry*, or private Advice, or *foreign Committee*, for the general Direction of your Affairs, your Majeſty would for the future refer all things unto *that* Council, and by the conſtant Advice of them, together with the frequent Uſe of your great Council the Parliament, your Majeſty was hereafter reſolved to govern the Kingdom: We began to hope we ſhould ſee an End of our Miſeries.

But, to our unſpeakable Grief and Sorrow, we ſoon found our Expectations fruſtrated; the Parliament then ſubſiſting was prorogued, and diſſolved, before it could perfect what was intended for our Relief and Security: And though another was thereupon called, yet by many Prorogations it was put off till the 21*ſt* of *October* paſt; and notwithſtanding your Majeſty was then again pleaſed to acknowledge, that neither your Perſon, nor your Kingdom, could be ſafe

the City of *London*; where ſo many *factious Cabals* were held, and ſo many *pernicious Conſequences* hammered, together with the *Rabbles* tumultuous running to *Weſtminſter-Hall*, and *the Common-Council's Petitioning*, or rather *adviſing* the King (Mechanics turning Politicians, and leaving their Shops and Trade, to ſit at the Helm of Government) that all wiſe Men conclude, thence came the Plague of *War* and *Deſolation* upon the whole Kingdom?

But your Obſervation is not ſo weak, as your Precedents are emphatical and myſterious: You inſtance three unhappy Kings; and, without the leaſt Ground in Hiſtory, you ſeem to ſuppoſe the Places of Calling their Parliaments the Cauſe of their Miſcarriage; I am ſure you know the contrary is manifeſt by our

till the Matter of the Plot was gone through, it was unexpectedly prorogued on the 10th of this Month, before any ſufficient Order could be taken therein: All their juſt and pious Endeavours to ſave the Nation were overthrown, the good Bills they had been induſtriouſly preparing to unite your Majeſty's *Proteſtant* Subjects brought to nought: The Diſcovery of the *Iriſh* Plots ſtifled: The Witneſſes that came in frequently, more fully to declare that both of *England* and *Ireland* diſcouraged: Thoſe foreign Kingdoms and States, who by a happy Conjunction with us, might give a Check to the *French* Powers, diſheartned, even to ſuch a Deſpair of their own Security againſt the growing Greatneſs of that Monarch; as we fear may induce them to take new Reſolutions, and perhaps ſuch as may be fatal to Us: The Strength and Courage of our Enemies, both at Home and Abroad increaſed, and ourſelves left in the utmoſt Danger of ſeeing our Country brought into utter Deſolation.

In theſe Extremities we had nothing under *God* to comfort us, but the Hopes that your Majeſty (being touched with the Groans of your periſhing People) would have ſuffered your Parliament to meet at the Day unto which it was prorogued, and that no further Interruption ſhould have been given to their Proceedings, in order to their ſaving of the Nation: But that failed us too: For then we heard that your Majeſty had been prevailed with to diſſolve it, and to call another to meet at *Oxford*, where neither Lords nor Commons can be in Safety, but will be daily expoſed to the Swords of the *Papiſts*, and their Adherents, of whom too many are crept into your Majeſty's Guards; the Liberty of ſpeaking according to their Conſciences will be thereby be deſtroyed, and the Validity of *all* their Acts and Proceedings (conſiſting in it) left diſputable: The Straitneſs of the Place no way admits of ſuch Concourſe of Perſons as now follows every Parliament: The Witneſſes which are neceſſary to give Evidence againſt the *Popiſh* Lords, ſuch Judges, or others, whom the Commons have impeached, or had reſolved to impeach, can neither bear the Charge of going thither, nor truſt themſelves under the Protection of a Parliament, that is itſelf evidently under the Power of Guards and Soldiers.

The Premiſes conſidered, We your Majeſty's Petitioners, out of a juſt Abhorrence of ſuch a dangerous and pernicious Council, (which the Authors have not dared to avow) and the direful Apprehenſions of the Calamities, and Miſeries that may enſue thereupon; do make it our moſt humble Prayer and Advice, that the Parliament may not ſit at a Place where it will not be able to act with that Freedom which is neceſſary; and eſpecially to give unto their Acts and Proceedings that Authority which they ought to have amongſt the People, and have ever had, unleſs impaired by ſome Awe upon them (of which there wants not Precedents;) and that your Majeſty would be graciouſly pleaſed to order it to ſit at *Weſtminſter* (it being the uſual Place) and where they may conſult with Safety and Freedom.

And your Petitioners, &c.

Monmouth,	*Shaftsbury*,
Kent,	*Mordaunt*,
Huntington,	*Ewers*,
Bedford,	*Paget*,
Salisbury,	*Grey*,
Clare,	*Herbert*,
Stamford,	*Howard*,
Eſſex,	*Delemere*.

our moſt authentic Monuments and Records: To popular Fears and Jealouſies, fomented by ambitious and diſcontented Grandees, theſe, as well as other Princes in general, owed almoſt all their Troubles, as *now* we do, in a great Proportion.

To theſe, *Henry* II. (by you mentioned) owed the unnatural Broils and Diſtractions of his Kingdom; when they, together with *Lewis*, King of *France*, incited the Son to rebel againſt the Father; in which they were thus far more excuſable than others, that the *Son was no Baſtard*, but the undoubted Heir of the Crown, and a titular King. Theſe were, in a great Meaſure, the chief Cauſes of all the Miſchiefs and Miſeries of *Henry* the Third's Reign; when, under the Colour of redreſſing the People's *Grievances*, they brought upon the Nation the greateſt *Grievance* of all; *an inteſtine Civil War for many Years together:* And tho' they loudly pretended to fight for *the Liberty of the Subject*, yet themſelves were no better than ſo many Tyrants; as ancient and modern Authors teſtify. *Baker* p. 86.

And for *Henry* VI. his Fate was the Conſequence of his Grandfather's Uſurpation; for *De male quæſitis vix gaudet tertius heres.*

The People at laſt, weary of their Change, began to open their Eyes, and think it better to ſubmit to their lawful Prince, than to a violent Uſurper: Nevertheleſs this Revolution could not be effected, without a great deal of Difficulty; and had not a Gap been opened by the Ambition of wicked Stateſmen, who, to have the ſole Management of Affairs to themſelves, contrived the Death of the King's Brother and only Support, the good Duke of *Gloceſter*; as now ſome conſpire againſt his Royal Highneſs, the better to enable themſelves to diſpoſe of the King as they pleaſe.

Thus for your Speech; but your Petition runs a little further.

In the firſt Place you aggravate the Dangers of *Popery*, of which all true *Proteſtants* are ſufficiently apprehenſive; yet, withal, my Lord, we are too ſenſible, *Papiſts* are not our only Enemies: We have whole Swarms of *Republicans* and others, influenced, and often miſled by thoſe that hate the Name, but (as to themſelves) love the Practice of arbitrary Power; that pretend to ſtand for the Church of *England*, but really advance *Preſbytery:* In fine, that would fain perſuade us they love the King, tho', by their Actions, any Man of Senſe may perceive how little they care for his Government.

You are troubled, it ſeems, that the next Parliament is to meet at *Oxford*, *where* (you ſay) *neither Lords nor Commons can be in Safety, but will be daily expoſed to the Swords of the* Papiſts *and their Adherents: Of whom too many have crept into his Majeſty's Guards.* Do you know, my Lord, any ſuch *Papiſts* now in the Guards? If you do, it is all our Duty to our King and Country to have them ſecured: If not, it is a groundleſs Surmiſe, and a frivolous Pretence, unfit to be mentioned by Perſons of Honour. Certain it is, we have more Reaſon to believe our noble Petitioners, inclining to Diſſention, than his Majeſty's Guards inclined to *Popery:* For the latter do openly proteſt againſt all *Papiſts*; the former do zealouſly ſollicit for the *Fanatics*; endeavouring to unite them to the Church of *England*, not by their coming to us, but ours to them; we loſing our Ground, and they ſtill keeping their own. Beſides, we know, the latter have often taken Teſts and Oaths, againſt the In-

novations of *Popery*; but I could never find that the former took any againſt the Novelties of *Schiſm*.

If his Majeſty thinks himſelf ſecure at *Oxford*, and doubts not to commit his ſacred Perſon to his Guards; what Reaſon have you to apprehend any Danger? Sure, it is his Majeſty's Death, not yours, the *Papiſts* have hitherto deſigned: How then can you be ſo apprehenſive, while he is ſecure?

As for the King's Evidence, I doubt not but they will chearfully endure a little Inconvenience, to make an End of this execrable Plot: It is an Advantage moſt of them have, to endure the greateſt Hardſhip, which now, I am confident, they will not decline, to conſummate the great Work they have ſo well begun.

My Lord, I wiſh as heartily as any one in *England*, the frequent Meetings of Parliament, and the good Correſpondence of King and People; I am, perhaps, as much concerned as another, to have the Liberty of the Subject preſerved inviolable: Yet when I ſee thoſe that ſhould be Preſervers of this Liberty, firſt invade it, and endeavour to monopoliſe arbitrary Power to themſelves, I think Self-Preſervation allows me to oppoſe them. It is a true Saying, *Corruptio optimi peſſima*, and Experience tells us, That Parliaments may err as well as Kings.

I will conclude, with a ſhort Reflection on ſome Tranſactions preceding the *Long Parliament*, in the late King's Reign; where it is obſervable, that his Majeſty, finding his Parliaments ſtill retrograde, and bent rather to foment than compoſe the Differences of the Kingdom, in *September* 40. he ſummoned the great Council of his Peers, to conſult about the weighty Affairs of the Nation: 'But *this* (ſaith a late Hiſtorian) *was not very well liked by thoſe who favoured the* Scots; *whoſe chief Deſign aimed at the Calling of a Parliament, which they feared the meeting of the Peers might prevent. Wherefore the Earls of* Bedford, Hertford, Eſſex, Warwick, Mulgrave, Bollingbroke *and* Briſtol, *the Lords* Say, Brook, Paget, Mandevile, *and the Lord* Edward Howard *preſented a Petition to the King, repreſenting many great Diſtempers and Dangers, threatening the Church and State, and his Royal Perſon; as, ſundry Innovations in Matters of Religion; Increaſe of Popery, by employing Papiſts in Places of Truſt; the great Miſchief that might enſue, if the Forces raiſed in* Ireland *ſhould be brought into* England, *&c. For Remedy whereof, they pray, That a Parliament might be ſummoned, to redreſs theſe Grievances, and puniſh the Authors; and likewiſe to compoſe the War with* Scotland *without Blood, and unite both Kingdoms againſt the common Enemy of the Reformed Religion.*'

And this was ſeconded by another Petition of the Common-Council of *London*, to the ſame Effect. See *Baker*, p. 470.

Theſe, my Lord, were as fair Pretences, and as plauſible Inducements to have a Parliament then called, as any can offer at preſent; and yet the World knows what pernicious Deſigns were then hatching againſt the King and Government, by thoſe very Perſons that promoted that Petition; and happy were his Majeſty, had he rejected their Importunity. *To every thing there is a Seaſon*, ſaith the wiſe Man; and without Doubt there is a Seaſon for petitioning. It is certainly our Duty, with all Humility, to beg of our Sovereign what we think neceſſary or convenient for the Public Good; yet to preſs him to it, when

when he declares againſt it, for good Reaſon, (as we ought to ſuppoſe) is a very great Preſumption, not to be endured in a Subject. If the Laws have ſettled in the King the abſolute Power of calling, adjourning, proroguing and diſſolving his Parliament, when and where he pleaſes, ſhall we be wiſer than the Laws, and limit our Prince's Will?

Beſides, when diſcontented Stateſmen are found the Promoters of ſuch Petitions, it is natural to ſuſpect they do it for ſome ſiniſter Deſign, *Timeo Danaos & dona ferentes.* If the great Politician *Achithophel* hanged himſelf, through Diſcontent, becauſe his Counſel was not followed; we cannot in Prudence but think, others will leave no Stone unremoved to ſatisfy their Paſſion. There are ſome Weathercocks in the World, who had a Hand in all the Revolutions of their Time, *modo harum, modo illarum partium*, but were never faithful to any: If your Lordſhip be ſo far overſeen as to join with theſe, they will undoubtedly leave you in the Lurch, when it is too late to repent. Therefore in Time conſider the Wiſe Man's Advice: *My Son, fear thou the Lord and the King, and meddle not with them that are given to change; for their Calamity ſhall riſe ſuddenly, and who knoweth the Ruin of them both?* Prov. xxiv. 21.

I am,

Your Lordſhip's real Will-wiſher,
and Humble Servant,

L. S.

A LETTER to his GRACE the DUKE of *MONMOUTH*, this 15*th* of *July*, 1680.

By a true LOVER of his PERSON, and the PEACE of the KINGDOM.

May it pleaſe your GRACE,

THE many Diſcourſes that of late have been bandied up and down by all Parties in this Kingdom, touching your Grace, have been a great Trouble to thoſe that are your real Friends, who have not an Opportunity of communicating to you their Sentiments of the preſent Clamours that concern your Grace: And they cannot yet adventure to do it, for want of that Intimacy and Intereſt that ſome *ill-affected* Perſons have with your Grace, which hath adminiſtered ſo much Noiſe and Talk among the Vulgar, and hath been ſo highly detrimental to you, both in reſpect to your Intereſt in the King's Favour, and the Honour your Grace has attained to, by your *heroic* and *generous*

nerous Actions, both at Home and Abroad; enough to make the whole World your Friend.

Sir, I have no Deſign in this Addreſs to you, but humbly to repreſent to your Grace, what ſad Conſequence have befallen the Perſons of Princes and Great Men, by adhering to Flatterers, and evil Counſels; eſpecially ſuch as propoſe ways to the higheſt Honours imaginable, and yet, at the ſame Time, lay a Foundation for their eternal Diſhonour and Ruin. Thus have I ſeen ambitious Men, after they have been raiſed up from a mean Fortune, become the greateſt Statefmen and Favourites of their Prince, and at the ſame Time be undermined by flattering and deceitful Perſons, even to their utter Ruin: Inſtances enough there may be found in Records of lateſt Times. Not that by this I any way reflect upon the preſent Circumſtances of your Grace; for you are a Perſon whom no Man has a greater Veneration and Honour for than myſelf; yet my Lord, when I conſider what ſtrange Sentiments the People have had of late, concerning the preſent State of the Government, and what great Influences ſome *ill-affected* Perſons have over them, to make them fit for any Project that ſhall be propoſed for the Alteration thereof, I cannot but with great and juſt Complaint, and Indignation too, ſay, that they deſerve not the leaſt Shelter in that Government, the Support of which only proceeds from Peace and Unity among ourſelves.

My Lord, When a Nation grows weary of Government, it is high Time for the Prince to look narrowly after the little Politicians that are deſigning its Alteration and Ruin; and no one can better ſerve the Intereſt of his Prince and Country, than by finding out, and diſcovering the Intrigues of ſuch Men; and when found out, to make them lothſome and obnoxious to the People. This ought to be the Duty of every loyal-hearted Subject: And, as I am ſure it is your Grace's Duty, ſo it is highly your Intereſt; for by the Deſtruction of the Monarchy of *England*, and Government thereof, no Ends can be ſerved, but thoſe that lead down to the Chambers of Death.

That ſuch Men are abroad, and now at Work in order thereunto, is not unknown to many of the King's old and true Friends; who, though they have not been advanced to ſuch high Places in the Government, nor rewarded for old, faithful Services, (through the Artifice of ſome late cunning Statefmen) as others that never (or ſcarce ever will be) faithful to the King and Kingdom's Intereſt; yet have they both Hearts, and Wills, and Abilities too (whenever lawfully commanded) to oppoſe, and diſſipate too theſe Leaders in the *Commonwealth* Faction: And, my Lord, it will be all our Intereſts ſo to do; for let ſuch Men pretend to what they will, by advancing in the Opinion of the Vulgar ſuch a Man To-day, and To-morrow deliver over another to the Rage of the People, by loading and branding him with odious Terms, it is a Thouſand to one but the next Day, him they had ſo advanced in the Opinion of the People, ſhall be made the *Object of their Scorn.*

When, my Lord, we ſeriouſly conſider, and reflect on the paſt Actions of Men of ſuch Principles as theſe, we cannot but loth and abominate them: Oh, how happy is our Government? What a good King? What admirable Laws? What an excellent Religion have we? (if rightly and truly obſerved) and yet we are not contented, but ſeek after new Paths that lead to the Confuſion

and

and Ruin of all. My Lord, before Government was ſettled in the firſt Ages of the World, that eternal Rule of Juſtice, *Of doing to all Men as you would they ſhould do unto you*, was an Obligation even to the very *Heathens* themſelves: That bound Contracts, kept Promiſes, affirmed Truth, made Subjects obedient, and Princes juſt. Why ſhall ſuch Men pretend to *Chriſtianity*, and not mind the Laws and Duties thereof? This excellent Religion bids us by an expreſs Precept, (though to a *Heathen* Prince) *Render to* Cæſar *his Tribute and Dues*. It is true, in all other Particulars, it was neceſſary that the Inſtances and Minutes of Juſtice, be appointed by the Laws and Cuſtoms of the ſeveral Kingdoms and Republics, and therefore it was, that *Chriſtianity* ſo well combined with the Government of *Heathen* Princes; becauſe, whatſoever was naturally juſt, or declared ſo by the *Political Power*, their Religion bound them to obſerve, making Obedience to be a double Duty; a Duty both of Juſtice and Religion. ——*Thus the Chriſtian Loyal Subject.*——But for the *Democratical Man*, that is never quiet under any Government, ſo long as it ſerved not his own private Intereſt, what Security can any Kingdom have of him? Neither Laws nor Councils, Oaths nor Engagements ſhall oblige him to Duty and Obedience, when he ſees it neceſſary to give a Blow to the Government: With ſuch Perſons, and ſuch Company, it behoves all good Subjects to have no Communication.

My Lord, Theſe are the Men that have made ſuch a Buſtle of late, with their Plots and Contrivances to bring us into Confuſion. Now, as your Grace is both by Duty and Intereſt obliged, ſo let the humble Requeſt of your true and real Friends, perſuade you, to mind no other Intereſt beſides that of the Common Good. You are in the Eye of the People, and beloved by all, for thoſe Expreſſions of Goodneſs, and valiant Acts you have performed both at Home and Abroad: It is much lamented, and taken to Heart by your beſt Friends, that there are a ſort of Men who have made it their Buſineſs of late, to advance you higher than the Wiſdom and Favour of the King has made you. We do ſay they are your Enemies, and ſeek after your Ruin; though we doubt not at all, that any of their pernicious and ſelf-deſigning Counſels ſhall ever ſway with ſo noble and prudent a Prince as your Grace, to derogate in the leaſt from thoſe innate and inbred Principles in your Soul, of Loyalty and Obedience to the beſt of Kings, *&c.*

Theſe are the Men that would, with *Joab*, ſend for the Wiſe Woman, to perſuade King *David* to admit of a Return for *Abſalom* his Son; and when they had effected it, leave him to himſelf, till Anger and Paſſion had ſet Fire to the Field of *Joab*. Theſe are the Men that would have adviſed *Abſalom* to make * Chariots, and to take fifty Men to run before him, and appoint his Time and Station, beſide the way of the Gate, to enquire of the Tribes of *Iſrael*, that came up to the King for Juſtice, what their Controverſies and Matters were. Theſe are the Men that would adviſe young *Abſalom*, that, ſince *David* had appointed no one to hear their Grievances, (which was a political Lye) and relieve their Oppreſſions, to wiſh, *O that I were made Judge in the Land, that every*

* It was in this Year that the Duke made his Progreſs thro' the Weſt of *England*, and laid ſuch a Variety of Snares to captivate the Affections of the People.

every Man that hath any Suit or Cauſe, might come to me, and I would do him Juſtice. In ſhort, theſe principled Men were they that ſet on *Abſalom* to ſteal away the Hearts of the People from the King; theſe are they that adviſed him to go to *Hebron* to pay his Vow; and theſe were the Men that led him into actual Rebellion againſt his Father, and to be deſtroyed by ſome of the very Hands that had aſſiſted him in thoſe pernicious Councils.

So that from hence we may conclude, that the greateſt Safety in this World conſiſts in being peaceable, and of a ſubmiſſive Spirit; a Spirit ſo eminently ſeen by all People in your Grace under the preſent Circumſtances, that you have won the Hearts of all worthy and loyal Perſons.

Now what has been ſaid, I hope will not give the leaſt Offence to you: For I do proteſt to your Grace, I am ſo much your entirely affectionate and devoted Servant, that, next to my Allegiance to my King, and my Steadfaſtneſs to the Royal Intereſt, I declare, I would, in Defence of your Perſon, in any juſt Cauſe, ſacrifice my Life and Fortune; with which I will conclude,

My Lord,

York, the 16th of *July*, 1680.

Your Grace's moſt affectionate Servant,

C. F.

The Freeholder's Choice: or, a Letter of Advice concerning Elections.

[*This was by way of Preparatory to the General Election, for that ſince called the* Oxford-*Parliament. The Clergy had declared for the Court; the oppoſite Party thought it of Conſequence to ſhake their Credit with the People, and this was one of the Methods they took to effect it.*]

SIR,

I Received yours of the 12th Inſtant, and am fully of your Mind, that if our Repreſentatives cannot be ſuffered to make Laws to *regulate Elections*, we muſt ſupply that Defect by ſome *Contract* amongſt ourſelves, whereby all unneceſſary Charge may be prevented, as of late has been done in moſt Counties in the caſe of Sheriffs; for, otherwiſe, the preſent Deſign of ſuch frequent Changes of Parliaments, may prove as pernicious to the People's Intereſt as the perpetuating of one. Our Grandees do now ſee that they did out-ſhoot themſelves, and are full of Repentance for their raſh and haſty Diſſolution of the late odious, over-long Parliament, and are therefore attempting to retrieve that Error by tiring out the People with frequent Changes, till they can get another for their Tooth, as manageable and mercenary as the former: And therefore, to obviate this Miſchief, we muſt make Elections eaſy, both to the Chuſers and the Choſen. To conſider of which, as alſo to contrive the Management

nagement at a public Charge, of all Abuſes by Mayors, Bailiffs, and Sheriffs, in making double and falſe Returns, and all other undue and illegal Practices, I ſhall, with the reſt of the Gentlemen in theſe Parts, give you the Meeting you deſire.

I find all Perſons very forward to countenance this public Work, except the high-flown Ritualiſts and Ceremony-mongers of the Clergy, who, being in the Conſpiracy againſt the People, lay out themſelves to accommodate their Maſters with the verieſt Villains that can be pick'd up in all the Country, that ſo we may fall into the Hands again of as treacherous and lewd a Parliament as the Wiſdom of *God* and Folly of Man has moſt miraculouſly freed us from. To which End, they traduce all worthy Men for Fanatics, Schiſmatics, or Favourers of them: Nay, do but pitch upon a Gentleman that believes it his Duty to ſerve his *God*, his King and Country faithfully, they cry him down as a Perſon dangerous and diſaffected to the Government, thinking hereby to ſcare the People from the Freedom of their Choice, and then impoſe their hair-brain'd Journeymen and half-witted Fops upon them.

Wherefore I think it no leſs than a Duty incumbent on us, in this Time of public Danger, to expoſe theſe blind Leaders of the Blind, with their deſigned Conſpiracy, to the People's View, and to wipe off that little Paint that is upon them, that the whole Nation, ſeeing them in their proper Colours, may have that Contempt and Scorn for them which they deſerve.

For as no Love nor Kindneſs from Chriſtians, can be too much to ſuch Miniſters of the Goſpel as ſhall diligently and faithfully diſcharge their Duties, without officiouſly involving and turmoiling themſelves in ſecular Affairs; ſo when they ſhall deſert their own Station, and prove curſed Inſtruments in the Hands of their Managers, of Cruelty, Rapine, and Oppreſſion of a People, inſtead of preaching up the good Tidings of Peace and Happineſs to Mankind, they then become a Den of Thieves, and ought to be eſteemed, by all Lovers of their Country, as unnatural and public Diſturbers of its Peace and Welfare.

By their Office, indeed, they are the Salt of the Earth, but having loſt their Savour, they are henceforth good for nothing, but to be caſt out, and trodden under foot of Men, as our *Saviour* teaches. For pray now, becauſe we ought to honour and moſt tenderly affect thoſe that lay out themſelves and Talents for the Salvation of our Souls; does it therefore follow, that we muſt bear the ſame Reſpect to ſuch as endeavour the Deſtruction of our Bodies and Eſtates? *God* forbid that ſo brutal an Inference ſhould infect the Minds of Men! A good Phyſician that adminiſters wholeſome and ſound Medicines, ought to be rewarded; but an ignorant or knaviſh Quack, that gives us Poiſon inſtead of Phyſic, deſerves an Halter, though he has the College-Licence.

St. *James* put a pertinent and honeſt Queſtion to the Chriſtians of his Time, *From whence come Wars and Fightings amongſt you?* And, were he now alive to repeat it, all *Europe* would anſwer him with one Voice, *From Knaviſh and Time-ſerving Prieſts; who, conſulting their own ſecular Advantage, and to heap up to themſelves a worldly Maſs of Wealth, of Grandeur, and of Power, have deſigned to make all People Slaves to their Princes, and Princes Slaves to themſelves.*

Theſe Traditors of the Goſpel have deſerted the plain Paths of Righteouſneſs, and betaken themſelves to a Serpentine Courſe of creeping into Courts, and there have created and fomented Miſunderſtandings and Jealouſies, betwixt governing Powers and their Subjects; that thereby they might ſeemingly become neceſſary to the one, and have an Opportunity of pillaging, oppreſſing, and domineering over the other. It is theſe Sons of *Belial*, who in all Ages have endeavoured to corrupt and ſtain the generous Minds of Princes, with arbitrary and unmanly Maxims of Government and State, and have framed for them the weak Policies of Cruelty, Craft, Treachery, and formal Devotion, inſtead of Protection, Wiſdom, Juſtice, and Righteouſneſs, which alone can eſtabliſh a Nation; inſomuch that Magiſtracy, which ought to watch for the Good of the People, is fain to be watched by the People, leſt it ruin and undo them. It is theſe Wolves, in Sheep's Clothing, who have eaten up the People of *God* like Bread, and in all Parts of the Chriſtian World have ſpirited the making, and edged the Execution of perſecuting and ſanguinary Laws: Wherefore I believe good Father *Jacob* had a Foreſight of theſe Sons of *Levi*, when in his laſt Will and Teſtament he left them a Curſe for a Legacy, inſtead of a Bleſſing: and if the whole World were now to make their Wills, all but Knaves and Fools would do the like.

You may eaſily call to Mind a late Inſtance of the Humanity and Conſcience of this Race of Men here in *England:* For when his Majeſty not long ſince attempted to follow his own Inclinations, and emitted a Declaration of Indulgence to tender Conſciences, the whole *Poſſe Cleri* ſeemed to be raiſed againſt him: Every *Reader* and *Gibeonite* of the Church could then talk as ſaucily of their King, as they do now of the late Honourable Parliament; nay, they began to ſtand upon their Terms, and delivered it out as Orthodox Doctrine, That the King was to act according to Law, and, therefore could not ſuſpend a Pœnal Statute; that the Subjects Obedience was a Legal Obedience; and, therefore, if the King commanded any thing contrary to Law, the Subject was not bound to obey; with ſo many other honeſt Poſitions, that Men wondered in God how ſuch Knaves ſhould come by them. But wherefore was all this Wrath, and all this Doctrine? Merely becauſe his Majeſty was pleaſed for a Time to remove the ſore Backs of Diſſenters from under the Eccleſiaſtical Laſh; the bloody Exerciſe of which, is never denied to Holy Church, but the Magiſtrate is immediately aſſaulted with the Noiſe and Clamour of *Demetrius*, and his *Crafts-men.*

But now the Tables being turned, the ſame mercenary Tongues are again all *Sibthorp*, and all *Manwaring*; not a bit of Law or Conſcience either, is now to be had for Love or Money; not any Limits to be put to the King's Commands, or our Obedience: It is a Goſpel-Truth with theſe Men, That all which we have is the King's; and if he ſhould command our Eſtates, our Wives and Children, yea, and our Religion too, we ought to reſign them up, ſubmit, and be ſilent. And therefore, in the approaching Elections, of all Men, I would avoid ſuch as are recommended by theſe *Sycophants*; leſt ſuch damnable Doctrine ſhould crawl from the Pulpit, into the Parliament-Houſe, to the Deſtruction of Religion, and utter Ruin of the State.

A Seasonable ADDRESS to both Houses of Parliament, concerning the Succession, the Fears of POPERY, and ARBITRARY GOVERNMENT.

By a true PROTESTANT, *and a Hearty Lover of his* COUNTRY.

[*It is obvious to common Sense, that the extraordinary Efforts of one Party to carry so important a Point, as the* Exclusion-Bill, *could not fail to rouse all the Spirit and Activity of the other. Bishop* Burnet, *who, perhaps, was himself deep in the* * *Controversy, acknowledges, That it was conducted with as much Bitterness as possible on both Sides: That the Press was very licentious both against the Court and Clergy: That as the* Nonconformists, *had so great a Hand in the Dispute, and behaved themselves very indecently, the Bishops and Clergy, growing apprehensive of a Rebellion, and the Downfal of the Church, set themselves to draw a Parallel between the late Times and these: That these Writings of theirs were not* decently enough *managed: That it was believed, the Authors were* set on, *and paid by the Court: That Sir* Roger L'Estrange *was the chief Manager of them: and that his* Observators *(Papers so called) were the general Magazine of Inflammatories; which were retailed by the* greater Part *of the Clergy, as well from the Pulpit, as in private Conversation, with* much Heat *and* Indiscretion. *But then, if so malignant a Spirit had taken Possession of the Clergy, and raged in their Writings, all the Writings of that Side, were not alike charged with Passion, and void of Argument; which will appear sufficiently plain from the Tract before us; as also, that the Motives of the* Excluders *were not altogether so pure and disinterested, nor their Practices so unexceptionable, as their Advocates gave out.*]

IT was the *Egyptians* Practice, before Physic was reduced into Art or Profession, to carry forth into the Roads and Highways the Diseased, and enquire of all Passengers concerning the Causes and Remedies of their Distempers; out of whose Prescriptions their Friends selected and applied what they judged most proper.

* His Lordship tells us, That he first made use of all *the Credit* he had in the House of Commons, to *divert them from pursuing that Bill with such Eagerness*, and persuade them to accept of an Expedient instead of it: And then, That, in Concert with Dr. *Tillotson*, he took *great Pains* to *divert* Lord *Hallifax* from *opposing it so furiously as he did*: For which Inconsistency of Behaviour, he assigns no other Reason than the Violence of the Party he was connected with. But the Author of the Piece called *Cassandra*, before quoted, charges him with a far greater Inconsistence: For, according to him, the Doctor found Means to *inform* his Royal Highness *very early* of the Design against him, and thereby came into his *good Graces*: And it is farther worth noting in this Place, that the

What was then done for the Natural, is now as neceſſary for the Body Politic of this Country, Sick, almoſt unto Death, of Fears and Jealouſies, the Plots and Devices of the Wicked and Ambitious, and expoſed to all Travellers, among whom good Nature and Self-Preſervation have at Length, after two Years ſilent Compaſſion, prevailed upon me, to give my Opinion of the Cauſes and Cures of our Evils; which I will offer without Fear or Favour of Party or Faction, of Court or City; by enquiring how far our Appprehenſions of Popery and arbitrary Government, that have ſo long diſcompoſed us at Home, and made us contemptible abroad, are juſt and reaſonable.

Though I confeſs it is ſaid, *There never was Smoke without ſome Fire*, yet, at firſt Sight, it ſeems hard to believe, that ſober Men ſhould ever attempt Innovations, ſeldom or never advantageous, always hurtful, becauſe neceſſarily attended with the ſad Effects of Civil War; a Calamity that has ſo lately proved fatal to the Kingdom in general, to the Prince and to the Subject. Whence it may be reaſonably preſumed, when our Paſſion is over, and we have fully conſidered the Riſe, Progreſs and Event of the laſt Rebellion, we ſhall grow calm and wiſe, permit the King to enjoy his own Prerogatives, and content ourſelves with our juſt Rights and Privileges. It will be Time enough (when theſe are invaded, if Religion even then will allow it) to oppoſe, or ſtand upon our Defence; to offer at it ſooner is Madneſs and Folly, Rebellion and Impiety.

For

the Quotations made by the Perſon out of his Lordſhip's *Manuſcript* Hiſtory beforementioned, having fallen into the Hands of the ſaid Author, he copies one of them *verbatim*; by which we learn, that the Biſhop thought it adviſable to ſoften his Work in ſome Particulars, before he ſuffered it to paſs the Preſs: For, whereas the Account of the *Controverſy*, as it now ſtands in the Hiſtory, is in Subſtance no more than what is inſerted in the *Text* above, the original Draught runs as follows. "Many Books came out likewiſe againſt the Church of *England*. This alarm'd the Biſhops and Clergy much; ſo that they ſet up to preach againſt Rebellion, and the *late* Times, in ſuch a Strain, that it was viſible they meant a Parallel between theſe and the *preſent* Time. And this produced at laſt that Heat and Rage into which the Clergy has run ſo far, that it is like to end very fatally. They, on their Part, ſhould have ſhewed more Temper, and more of the Spirit of the Goſpel; whereas, for the greateſt Part, they are the worſt natured, the fierceſt, indiſcreeteſt, and moſt perſecuting ſort of People that are in the Nation. There is a Sort of them do ſo aſpire to Preferment, that there is nothing ſo mean and indecent, that they will not do to compaſs it; and when they have got into Preferments, they take no Care either of themſelves, or of their Flocks committed to their Charge, but do generally neglect their Pariſhes. If they are rich enough, they hire ſome pitiful Curate, at as low a Price as they can, and turn all over on him: Or if their Income will not bear out that, they perform the public Offices in the ſlighteſt Manner they can; but take no care of their People in the way of private Inſtruction or Admonition; and ſo do nothing to juſtify the Character of Paſtors or Watchmen, that feed the Souls of their People, or watch over them. And they allow themſelves in many indecent Liberties of going to Taverns and Ale-Houſes; and of railing ſcurrilouſly againſt all that differ from them; and they cheriſh the Prophaneneſs of their People, if they but come to Church, and rail with them againſt the Diſſenters; and are implacably ſet on the Ruin of all that ſeparate from them; if the Courſe of their Lives were otherwiſe ever ſo good and unblameable. In a Word, many of them are a Reproach to Chriſtianity and to their Profeſſion; and are now perhaps one of the moſt corrupt Bodies of Men in the Nation."

For the better coming to our Point, it is neceſſary we take a Review of the Times preceding Forty-one, when from the End of King *James*'s Reign, the People were, as now, full of Murmurings, Repinings and Diſtruſts againſt the Government: At laſt, the ſmothered Embers burſt forth into a Flame; and after ten Years Violence, War and Confuſion, and near as many more of Uſurpation and Tyranny, the Commonwealth was ſo far from being bettered, by any of the many Changes and Expedients, that the Recalling our King from his unjuſt Exile was found, and unanimouſly agreed, the only Way to prevent its utter Ruin. Our gracious Sovereign, merciful beyond Example, pardons his rebellious Subjects, the Murderers of his royal Father, and the Uſurpers of his own Crown and Dignity; loads, even among them, with Offices and Honour, ſuch as ſeemed Penitent, and were capable. He then proceeds, firſt to the Reſettlement of the Religion of the Church of *England*, like Virtue ſeated in the middle, and equally endangered by the two Extremes of *Popery* and *Preſbytery*; and after, to that of the State in Peace and Quiet, which we enjoyed to the Envy of our Neighbours. This Happineſs occaſioned a War with *Holland*, *France*, and *Denmark*, to their great Loſs, and the Renown of *England*, ending in a League of Friendſhip and Amity, for the general good of *Europe*. Not long after the King was adviſed to grant a *Toleration* for the Eaſe of tender Conſciences, and the Advancement of Traffic and Manufacture. This was preſſed with Arguments, that the want of it occaſioned *Venner*'s Inſurrection; the Plot in 1662, for which ſeveral ſuffered at *Tyburn*; that in 1663, begun in *Ireland*, and carried on in *England*, for which in 1664, diverſe were executed in *Yorkſhire*, as were others after in *London*, *April* 1666; who confeſſed at *Tyburn*, a Deſign of ſubverting the Government, ſeizing the *Tower*, and firing of *London* the *September* following; and withal, declaring there were thoſe behind of their Party, that would ſtill effect that Deſign, which, as to that Part, was too evident. This is notorious from the hiſtorical Account, publiſhed in 80, and confirmed by the * Gazette; and therefore I cannot but wonder at the Commons Vote of laſt *January* the 10th. "That it is the Opinion of this Houſe, that the City of *London* was burnt in the Year 1666, by the *Papiſts*, deſigning thereby to introduce arbitrary Power and Popery into this Kingdom."

It

* *Viz.* 'At the Seſſions in the *Old Baily*, '*John Rathbone*, an old Army Colonel, *William Saunders*, *Henry Tucker*, *Thomas Flint*, '*Thomas Evans*, *John Myles*, *William Weſcot*, and *John Cole*, formerly Officers or 'Soldiers in the late Rebellion, were indicted for conſpiring the Death of his Majeſty and the Overthrow of the Government; having laid their Plot and Contrivance for the Surpriſal of the *Tower*; the 'killing his Grace the *Lord General*, Sir '*John Robinſon*, Lieutenant of his Majeſty's '*Tower of London*, and Sir *Richard Brown*, 'and then to have declared for an equal Diviſion of Lands; *&c.* The better to affect this helliſh Deſign; the City was to 'have been fired, and the Portcullis to have 'been let down, to keep out all Aſſiſtance; 'the Horſe-Guards to have been ſurprized 'in the Inns, where they were quartered, 'ſeveral Oſtlers having been gained for that 'Purpoſe: The *Tower* was accordingly 'viewed, and it's Surprize ordered by 'Boats over the Moat, and from thence to 'ſcale the Wall. One *Alexander*, who is 'not yet taken, had likewiſe diſtributed 'Sums of Money to theſe Conſpirators; and 'for the carrying on of the Deſign more effectually, they were told of a Council of 'the great ones, that ſat frequently in *London*,

It would be a great Satisfaction to the World to publiſh the Grounds of this Opinion, becauſe that otherwiſe, conſidering they did not purſue it, nor any Reaſon aſſigned of what ſhould have hindered, it will hardly gain more Credit, than the Philoſopher's Paradox, that Snow was black. I have read of ſome, who never wanted Opinions, could they but find Arguments to make them probable; for which their being at a Loſs made them ridiculous with the ſober Part of Mankind.

The King conſents to, and at the ſame Time declares a War againſt *Holland*, whoſe Inſolence and Injuſtice, in point of Trade and Honour, was become inſupportable. Soon after the Parliament convened, and apprehending the Indulgence might in Time prove deſtructive to the Eſtabliſhed Religion, pray'd it might be revoked; the King, contrary to the then Miniſter's Advice, anſwer'd their Deſires: Hereupon they grow peeviſh, and thence forward vow and ſtudy all the Methods of Revenge and Confuſion, though with the Hazard of the Public. Ever ſince we have been continually alarmed with Libels againſt the Government; at laſt, a Diſcovery is made of a Popiſh Contrivance, ſifted as far as poſſible by the King in Council, and after earneſtly recommended to the Parliament's further Conſideration. This is purſued; but ſome Men, laying hold on this, deſign to drive it on to farther Purpoſes; and, under Pretence of defending the King's Perſon, and expelling Popery, ſet up Preſbytery, and pull down the Monarchy. But there being too ſtrict a Bond of mutual Love and Loyalty between the King and that Parliament, Means are now uſed, upon a great * Miniſter's being impeach'd, to have it diſſolved: An Act that anſwered not his † Expectations. A new one is called, and, exceeding the Bounds of Prudence and Moderation, quickly ſent home. A third is ſummon'd, and the King, having to this, as to the former, over and over preſs'd the impartial Examination of the Plot, the Trial of the Lords, and the Care of the Eſtabliſhed Religion, wherein, by all juſt and lawful Ways he often declared he would not follow, but heartily go along with them. But alas! they intended no ſuch Thing. The Plot muſt be kept on foot, elſe they would be defeated. The King perceiving they ſtill neglected the Good of the Public, breaks them, and ſummons a fourth at *Oxford*; where I wiſh they may be inſpired with Softneſs and Prudence, anſwerable to the Deſigns of the Place, and the Needs of the Kingdom.

After this ſhort Account, is it poſſible to believe theſe, who inſinuate the King himſelf is in the Plot, is a Papiſt, and intends arbitrary Government? Oh! ridiculous, nonſenſical Fancy. If the Plot be againſt his Perſon and Government?

'*don*, from whom iſſued all Orders; which 'Council received their Directions from 'another in *Holland*, who ſat with the 'States, and that the 3d of *September* was 'pitched on for the Attempt, as being 'found, by *Lillie*'s Almanack, and a Scheme 'erected for that Purpoſe, to be a lucky Day, 'a Planet then ruling, which prognoſticated 'the Downfall of Monarchy. The Evidence againſt theſe Perſons was very full and 'clear, and they accordingly found guilty of 'High Treaſon.

* Lord *Danby*.

† Which were, to have his Impeachment dropt, according to the Agreement which he had made with ſome of the Malecontent Leaders; and which was broke by the Reſentment of thoſe who were not comprehended in it.

vernment, and contrived by Papiſts, and among them (as *Bedlow* has ſworn) none in *England* but have received the Sacrament upon it, and he be of the Number, he muſt join with others to cut his own Throat, ſtab, ſhoot, or poiſon himſelf. But here is ſome Myſtery in this pretty Invention; *Charles Stuart* conſpires againſt the King; this imitating the Long Parliament in his Father's Time, who fought for the King againſt himſelf, for his Politic Capacity againſt his Natural. But if he were a ‖ Papiſt, would he have paſs'd into Laws every Bill tender'd him by both Houſes, as well before, as ſince this Plot, in their Disfavour? And yet we know one of the godly Party was lately fined 500 *l.* for ſaying, The Duke of *York* was a Papiſt, and the King *little better*; a Saying no longer minced nor whiſper'd, but now loudly and plainly ſpoken every Day. Could he have been wrought to a Change of Religion, in the Time of his Baniſhment, he had not withſtood the Offers of foreign Princes, and the Solicitations of a fond Mother, to reinſtate him in his own Dominions with abſolute arbitrary Power. But he was too much a *Chriſtian*, and too good a King, not to prefer Continuance in Exile, to the Deſigns of enſlaving his Subjects, either in their Souls, or in their Bodies. Muſt he now, in an Age deſirous of Reſt and Quiet, be upbraided with ſuch Purpoſes, that had reſolved againſt them in the Heat of his Youth, the great Spur of Ambition? Now when to compaſs this wicked and ridiculous Project is as impoſſible, as before it was the contrary; when after his Reſtoration, beſides foreign Aſſiſtance, offer'd at any Rate, and to any Purpoſe, he had an obſequious General, a victorious Fleet and Army, and a Parliament, whoſe Zeal and Devotion ſeemed in nothing to be bounded but by the Limits of his own Pleaſure; when to the immenſe Treaſure he was poſſeſs'd of, beſtow'd among his People with equal Bounty as it was given, he might have added vaſtly by the Confiſcations of more than half the Eſtates and Wealth of the three Kingdoms. But, inſtead of this, he often preſs'd his Parliament to expedite the Act of Oblivion, diſbanded his Army, and enlarged the Fleet, by making one Squadron of more Value than all three in the Time of Queen *Elizabeth*; diſabled, in all his Dominions, without Exception, all *Papiſts*, from bearing any Office, Civil or Military. Has he not paſſed the Bill, excluding for ever all *Popiſh* Lords out of the Houſe, to which his Father could never be perſuaded? Has he not likewiſe curtailed the royal Power by two other Acts, that of the *Habeas Corpus*, and againſt *Quartering of Soldiers?* Three Statutes, for which he might have had as many Millions, had he inſiſted on a Bargain, or known how to diſtinguiſh between his own private Intereſt and that of the Subject, or the truckling way of *Bartering*, when the Good of his People was concerned. Why did he, but for the Sake of the *Proteſtant* Religion, refuſe the elder Daughter of the Crown to the Dauphin of *France*, and marry her to the Prince of *Orange?* And this, without putting his Parliament to the *Charge of a Portion*, or a much greater Sum, which they would have gladly given, had he made the Propoſition. And no other could be the Motives of re-calling his Troops from *France*, raiſing an Army for the Defence of the *Netherlands*, at the Expence of above 200000 *l.* more

‖ And yet that the King was really a Papiſt, is proved by Mr. *Carte*, on the Evidence of the Duke of *Ormonde*, who ſurprized his Majeſty at Maſs, in his Life of that Nobleman, Vol. II. p. 254, 255.

more than was given, and his prohibiting Trade with that Crown. Theſe things put a Stop to the Progreſs of that victorious King's Arms, occaſioned his quitting *Meſſina*, and clapping up a general Peace, when he was juſt at the Point of his propoſed Conqueſt. If our Prince intended an arbitrary Government, why, beſides his former neglecting the Opportunity, would he diſable himſelf for the future, by parting with one of the greateſt Inſtruments for that Purpoſe, the Court of *Wards* and *Liveries*, Tenures *in Capite* and *Knight-Service*, *Purveyance*, &c. And what did he receive for this Exceſs of Bounty, for the chiefeſt and moſt uſeful Flower of the Crown, but a Trifle, a Feather; half the Exciſe, not above a fourth of the others yearly Value? And after all this, Knaves invent, and Fools believe, he is now ſetting up for Tyranny and Popery, when his Years are paſt the Heat of Ambition, his Coffers empty, *France* diſobliged, and his own People alarmed, and bent againſt it with all imaginable Reſolutions of Oppoſition. Can any Man imagine that a Perſon, who diſarms himſelf, intends to fight?

Beſides, what one illegal arbitrary Act has he done in his twenty Years Reign? Whom has he defrauded of an Ox or an Aſs, of Life or Poſſeſſion? Where has he in any one Inſtance invaded *Magna Charta*, our Rights, Properties or Liberties? What Bill tendered by Parliament, for the Security of our Lives or Fortunes, has he *rejected?* He paſſed all without Exception. As for the Bill for entruſting the Parliament with the Militia for a limited Time, Reaſon then, and Experience ſince, has proved it was a needleſs Encroachment on the Royal Prerogative, without the leaſt Proſpect of public Good; and to have parted with that Power but for a Moment, was for ſo long to unking and diveſt himſelf of a Power he could not be certain would be ever reſtored. As he has freely paſs'd all Laws, has he not as chearfully offer'd to enact any thing that was agreeable to Juſtice and Reaſon for our further Security in Religion, Liberty and Property?

From theſe Conſiderations, nothing will appear more vain and idle than our Fears and Jealouſies, our factious and ſeditious Reflections on the Government. I will not ſay but, without great Caution, we may run into thoſe very Things we ſo much dread, and would avoid, *Popery* and *French Government*, or (which is equally deſtructive of our Birth-rights and Happineſs) *Preſbytery* and a *Commonwealth*. This will be no groundleſs Surmiſe, if we look back, and obſerve that the Leaven againſt the Eſtabliſhed Conſtitution both in Church and State, has ſoured almoſt the whole Lump: The Poiſon of *Preſbytery*, formerly known by the Name of *Puritaniſm*, hatch'd at *Frankfort* and *Geneva*, grown to a Head in *Scotland* with the Reformation, has infected the Generality of the Kingdom, the common Traders and Dwellers in Cities and Corporations, and the unthinking and illiterate Part of the Gentry, with Hatred againſt Monarchy and the Church of *England*. This was certainly the Invention of *Rome* to overthrow us, by thus ſowing Diviſions; they well foreſaw our Kingdom and Church, in itſelf divided, could not long ſtand. All the Antimonarchical Principles are the ſame in both; the one, as well as the other, deny Supremacy in the King; the Jeſuit will have the *Pope*, and the Preſbyter *Jeſus* his Head. King-killing and the depoſing Doctrine are diſowned by all honeſt Papiſts, as the Author even of *Plato Redivivus* does confeſs, tho' two or three Jeſuits have privately aſſerted

asserted the Opinion as problematical, for which themselves and Writings were censured and condemn'd, as false and damnable; but 'tis justified, both by Books and Practice of the whole *Presbyterian* Party; and 'tis so plain and fresh in our Memories, I need not instance the Authors. St. *Peter*'s Chair is not more infallible than that of an Assembly of *Presbyters* in a National Classis, or Synod. Men of these *Antichristian* Principles stirr'd up the *late Rebellion*, and, being active and diligent, drew in many unwary, honest Men beyond the Power of retreating. Did not the Faction here tamper in *Scotland*, where the Promoters of the *Covenant*, *that Godly Instrument*, applied to the Crown of *France* for *Protection*, as appears by the Letter found with the Lord *Lowden*, who was therefore sent to the Tower?

But what was the Issue of this Contrivance, but Confusion and Misery through the three Kingdoms; the *Presbyterian* Party overpower'd by the *Independants*; and these again by the *Army*; a Commonwealth set up, and soon after turned into a perfect Tyranny under *Oliver Cromwell*; after more Money had been illegally squeezed from the Subjects by Ordinances and Loans, Sequestrations and Decimations, Excise, and other Impositions, than was ever known before or since? The People weary, call home their Prince, who, by an Excess of Mercy and Clemency, sparing to root up Men of these Principles, gave way to their infecting others with the same Humour of Discontent. 'Tis to be observed, that the Year 1535 is remarkable for the *Geneva Reformation*, and the spawning of the *Jesuits* Order, and that our unlucky, home-bred Divisions were fomented, if not first set on foot, under-hand, by Directions from the Court of *France*, as well as from *Rome*, the Interest of that State, as well as of the Church, depending on our Distraction; to which End, *Richlieu*, that great Minister, employed many Pensioners into *Scotland*, as did after his Successor *Mazarine* in *England*. And therefore there is nothing more inconsiderate, than to think we are not now acting and promoting *French-Designs*; 'tis their Business to divide us, and yet so to manage the Ballance, that they let neither the King nor Parliament have the better, or ever come to a right Understanding: They can no otherwise obtain the *Western Empire*, and 'tis directly against their Interest ever to suffer *England* to be either a perfect Monarchy, or an absolute Commonwealth. Those that roar most against *French* Councils and Measures, underhand Bargains and Agreements between both the Kings, know they bely their own Conscience, and that the *French* have us in the last Degree of Contempt. This the Earl of *D.* [*Danby*] printed in his own Vindication; perhaps not ignorant that some of their Ministers did, in the Year 1677 and 78, before the breaking forth of the Plot, declare, *That Monsieur* L. [de Louvois] *had greater Interest and more Friends in* England *than the Duke of* York. *That the King had need be on his Guard, for he was in great Danger of running the same Risque with his Father:* When it was likewise inquired, *What Interest among the People two great Peers* [the Duke of *Bucks* and Earl of *Shaftsbury*] *had, who have, since the Plot, been the great Pillars of the* Protestant *Religion, (tho' neither was ever reputed to have any) were Ministers and Advisers in* 1670 *and* 71, *very good Friends to* France *and* Popery, *Enemies to the Triple Alliance, and to* Holland, *&c.* It was also said, *That* 300,000 *l. a Year bestowed in* Scotland *and* England, *among the Factious and Discontented, would better serve the Interest of* France,

than any Bargain they could drive with the Miniſters. 'Tis too well known that the greateſt of theſe two Noblemen [the Duke of *Buckingham*] made a ſecret Journey into *France*, ſome Weeks before the Plot, after ſome private Tranſactions here, with others, among whom were Sir *E. L.* [*Ellis Leighton*] famed for Religion, and for Morality, Major *W.* [*Wildman*] and *H. N.* [*Henry Nevil*] as notorious for the ſame Perfections, and their Love of Monarchy, and Hatred of a Commonwealth. Nor did *A. S.* [*Al. Sydney*] want his Share in the Conſultation, a ſtout Aſſertor of Prerogative, witneſſed by his and others living out of this Kingdom ever ſince the King's Reſtoration, until they ſaw ſome Likelihood of a Change; the one returning about the Time the Duke of *Bucks*, and the other Lord were in the Tower, and the other a few Months before the breaking forth of the *Popiſh* Conſpiracy; which no ſooner came before the Parliament, than ſome of the great Lords of the Committee for the Examination of the Plot, kept their Conſultations, and managed much of that Affair at *Wallingford-Houſe*, Major *W.* [*Wildman*] being their Secretary, where they concluded, to take hold of this Opportunity for the carrying on ſome long-hatch'd Deſigns of their own. Nor is it to be forgotten, that in *June* before, a Letter was writ by an eminent Perſon of the Faction, and can be now produced, *That very ſhortly* ſomewhat *would be diſcovered, that would prevent our much longer walking in the dark; and that one of the greateſt Lords ſent to an Aſtrologer, to know, Whether he was not in a ſhort while to be at the Head of* 60000 *Men?* The Methods agreed upon in *France*, and purſued here, were to make a *Court* and *Country Party*, to ſow and diſperſe Jealouſies between both, and widen the Gap with all poſſible Devices; which Reſolutions ſome here were the ſooner induced to embrace, upon this Conſideration, *That they ſhould not live to ſee the Iſſue, and were unconcerned for what ſhould come after.* But yet I am too charitable to think, if we have any *French* Agents at home, they are impoſed upon by their own Unwarineſs, and the others Cunning, to act rather againſt, than with their Knowledge, a Part ſo much contrary to the Intereſt of *England*, and the Duty of a *Chriſtian.* But however it be, I am morally aſſured we are doing their Work; and if we are not Knaves and Penſioners, we are Blockheads or Fools, that are blind and beſotted like Men prepared for their Deſtruction. *Quos* Jupiter *perdere vult, hos dementat.* If any one talks thus, he is preſently called a *Papiſt* and a *Tory*; every true Son of the Church of *England*, and loyal Subject, is branded with Nick-names, and run down by Noiſe and Faction; and he that oppoſes *Popery*, if he defends not *Preſbytery*, is but a *Proteſtant in Maſquerade*; if he commends Monarchy and our Legal Conſtitutions, to the Diſcredit of a Commonwealth, he is *a Raſcal, a Villain, and a dangerous Perſon*; not conſidering that we are made Tools and Inſtruments for *French* Purpoſes, betray'd by their Cunning and Addreſs, to forward and act with our own Hands our Slavery and Ruin. Shall we be ſtill blind and deaf to Reaſon and Demonſtration? Can we not reflect upon the *French* double-dealing in our late Civil Diſtractions, and remember what the Lord Keeper *Puckering* tells the Parliament in Queen *Elizabeth*'s Days, *That the* Puritans, *even at the Time of the* Spaniſh *Preparations for Invaſion, were urging and preſſing inteſtine Commotions*; where he largely ſets forth their being as dangerous to the Crown and Mitre as the others, and therefore that both were to be equally ſuppreſs'd, *Papiſts*

pists and *Puritans?* I cannot find that either have since alter'd their Principles, and consequently cannot but wonder why the *Papists* should be persecuted, and the other countenanced, even against Law and former Statutes. 'Tis surely very imprudent to expect your House will be warm by shutting a Window, and setting open the Doors. And therefore, because in this I can freely agree with *Plato Redivivus*, that the Fear of *Popery* is not the Cause of our present Disturbances, I shall, without Regard to Religion, consider the *Papists* and *Presbyterians* as two Factions in the State, like the *Arminians* and *Louvestein* Party in *Holland*; and as such, pronounce that both are to be suppress'd, or neither; because by emptying only one of the Scales, the Ballance is broken, and the Court, or Monarchical Party, is first weaken'd and destroy'd, and after the whole Form of Government altered into that of a Commonwealth: And I am fully convinced, if that had not been that Author's Design, as to an ordinary Reader is past doubt, he would have set down this as one of the Remedies of our present Evils. But the contrary was his Purpose; and in order to it, he cunningly, to preserve the Monarch, would set up a plain *Democracy*, and for an *English* King, obtrude upon us a *Doge* of *Venice*; for he tells you at large, that the antient Power of the King is fallen into the Hands of the Commons, and therefore to keep the former illustrious Splendor of the Crown, he would have all its Jewels taken out, and set about the *Speaker's Chair*, the King made a Cypher, and divested of all Power but the Name, to keep up the three several and distinct Shares in the Government, King, Lords and Commons. 'Tis an ingenious way of arguing, but we are not yet, I hope, such Fools to have it pass, to venture at Play, and not know how to distinguish false Dice.

Oh! but says a *factious Petitioner*, that takes the House of Commons (sufficiently proved by the learned Answer to *Petyt*'s Book, to have had no Share in the Legislative Power) to be the Parliament; all their Votes, how wild and unreasonable soever, as we have lately as well as formerly seen in print, to be the Sense of the Nation, and have the Force of Laws, and yet deny any Authority to the King's Proclamation. This Scribler (says he) is *Popishly* affected, a *French* Designer, a meer *Tory*; not considering that there is not less Hazard in splitting upon a Rock, than upon a Sand-bank; that if I must be a Slave, and forfeit my Liberty, 'twere at least as good to do so under a single Person, as more: The Tyranny of many is much more intolerable than that of one. 'Tis equally destructive of my Liberty, whether the King, or the House of Commons, takes away *Magna Charta*; I am still against arbitrary Government, ruling according to Pleasure, not the Laws and known Constitutions of the Land, whether assumed by King or Commons; if there be any Choice, the Odds are against the latter. And to speak Truth, by what has pass'd since the Plot, any one in his Wits would believe the King is invaded, not an Invader; that his frequent Prorogations and Dissolutions have been his legal defensive Weapons, used as much for his Subjects Security, as his own Honour; that arbitrary Power is a delicious Thing, and therefore aim'd at by our Demagogues and Tribunes of the People; bad, and to be decry'd, only while in the Sovereign. 'Tis very convenient to cry Whore first. *Solomon* tells us, *He that appeareth first in his own Cause, seemeth just; but his Neighbour cometh after, and proveth him.* If the People in an Island are alarm'd that an Invasion is design'd, and

that only at one Port, and they become ſo fooliſh, as for the Guard of that, to neglect and expoſe all other, they do but make the eaſier Way for their Enemies to land and overcome. Thoſe who are the Watchmen, the Centinels of our Safety, ought, with *Janus*, to have two Faces, one behind and the other before, and many Eyes, like *Argus*; there being otherwiſe no Security againſt Surprize. I remember in *Thucydides*, that the *Grecians* beſieging a ſtrong City, found no Means but a Stratagem to become Maſters, which they thus contrived: After they had purchaſed within ſome Penſioners, they kept the Beſieged awake, and put them into a great Diſtreſs, by continual falſe Alarms, and, as deſigned, prepared to believe nothing more was intended than Amuſement and Diſtraction. The falſe Citizens within, taking this Advantage, affirmed, they ought for the future to make it Death to any Watchman to give the Alarm. This decreed, Notice was given to the Enemy, and, without the leaſt Reſiſtance, the Beſieged were taken and undone, when and where they leaſt ſuſpected; whereupon this Proverb was taken up, *Amyclas perdidit ſilentium*. I wiſh we may never run the ſame Fate; the Application is too eaſy and natural to be dwelt upon.

And yet I cannot but take Notice, how the late Houſe of Commons have aſſumed to themſelves a Power extraordinary, and by a Vote without Proof or Conviction, made eminent Men and known Proteſtants, guilty of Popery and *French* Deſigns; made them Adviſers and Counſellors according to their own Fancies; impriſoned ſeveral, during Pleaſure; ſeized Cloſets and Writings without Information; and contrary to *Magna Charta*, voted Acts of Parliament, made for the Preſervation of the eſtabliſhed Religion, uſeleſs; and their Execution grievous to the Subject againſt the Proteſtant Intereſt, and an Encouragement to Popery, *&c.* and among theſe, which is moſt wonderful, a Law made by the Darling Queen *Elizabeth*, who cannot well be ſuppoſed to have been a Friend to Popery. If theſe be not odd and arbitrary Proceedings, I know not what are; nor why that ſhould be tolerable or lawful for them, which is not for any, no not for our Sovereign. Conſidering Men, are afraid the Abettors of ſuch Practices are not Friends to Peace and Quiet, but rather factious and dangerous, willing to enſlave us to foreign Invaſions, or domeſtic Encroachments; whatever may be ſaid to the contrary, theſe Actings are but too good Grounds for ſuch Apprehenſions. The cunningeſt Whores ſeem moſt devout, and inveigh very bitterly againſt the Lewdneſs they daily ſtudy and commit. Your rooking Gameſters abhor, if you will believe their Shams and Oaths, the Uſe of falſe Dice, and the un-gentleman-like-trick of Cheating: However, none but Cullies, who want Wit or Years to make Obſervation, can be wheedled and drawn in by ſuch Pretences.

Before the Diſcovery of the Plot our Miniſters were reflected on, as deſigning Popery and arbitrary Government, by many ſcandalous Pamphlets, and one in particular called, *An Account of the Growth of Popery*, &c. as if the People were to be prepared to believe the whole Court were Popiſh; that while they were alarmed againſt that Party, they might be unprovided to defend themſelves againſt the other. The *Preſbyterian* true blue, who, like *Æſop*'s Cat, though transformed into the beautiful Shapes of Court-Employments and Honours, will ſtill be hankering after the old Sport of Mouſing; they

they will ever be Lovers of a Commonwealth, and Enemies to Monarchy. This is plain from former, as well as later, Proceedings; ſince the Diſcovery of the Popiſh Plot, when they began to ſhew themſelves in their proper Colours; when they cryed not only the Court, but the Church was Popiſh, and all that are for the eſtabliſhed Government. You cannot now be loyal, unleſs you are factious; nor a Proteſtant, if no *Preſbyterian*. But pray obſerve, none tell you this, but the Spawn of thoſe ſeduced, or concerned in the late Rebellion; Men turned out, or that would get into Court-Employments, that account themſelves ſlighted or diſobliged; Men of great Ambition, or of deſperate Fortunes; who make all this Noiſe and Clutter, *to be taken off*. To what Purpoſe elſe, did the late Houſe of Commons make the Vote againſt the *Bargain* or Hopes of Court-Preferment, but that ſuch a Deſign was a driving between ſome leading Members and Courtiers? Can they, after ſuch a Diſcovery, pretend Zeal for Religion, and the Good of their Country? For Shame, let not Faction and private Intereſt make Men forgetful of the Public, of the Peace and Quiet of the Nation: Let them ſecure our Conſtitution againſt the Encroachments or Invaſions of any, whether *Preſbyter* or *Papiſt*; and remember that the moſt forward in the *Long Parliament* were ſoon turned out by others; and becauſe what is *Sawce for a Gooſe, is Sawce for a Gander*, this of Courſe will be the Fate of thoſe, who now glory in being *Ringleaders of Faction* to thwart and oppoſe their Sovereign: Nay, it may poſſibly be worſe; the Gentlemen, the Knights of the Shires, may be kicked out by Mechanics, by Citizens and Burgeſſes; for he that practiſeth Diſobedience to his Superiors, teacheth it to his Inferiors. Sir *William Jones*, Sir *Francis Winnington*, Colonel *Titus*, &c. all know were diſobliged; and if taken into Favour, and the Employments and Honours they covet, would ſtand up for the Court, as much as now they do againſt it. Whether the petitioning Lords be not of the ſame Temper, will beſt appear from the Story of every ſingle Perſon. One of them [Lord *Eſſex*] has the Humour conveyed with his Blood. His Father was a Gentleman, that appeared zealous in the Long Parliament, for the Good of his Country; the firſt that brought in the Complaint of Ship-Money; but ſoon after, when he was made a Lord and a Courtier, he changed Notes and ſung another Song; no Man more for the Monarchy; in it's Defence he loſt his Life; and at his Death publicly repented his Actings againſt the Earl of *Strafford*. His Son was made an Earl upon the King's Return, ſent Embaſſador abroad, aud Lord Lieutenant into *Ireland*; to get his Command he deſpiſed not the Courtſhip and Aſſiſtance of Colonel *Talbot*, though a Roman Catholic, and a Creature of his Royal Highneſs; to whom he made no ſlender Profeſſions: Not being ſatisfied with gaining vaſtly in that Station for five Years, he grows peeviſh in Hopes of being ſend the ſecond Time; nay, rather than fail, he is content to be Commiſſioner of the Treaſury, in hopes that, by the Courtſhip and Intereſt of ſome Women, no matter what Religion they are of, he may come to be Lord Treaſurer: But not like to gain the White Staff, and, perhaps, not caring to govern an empty Exchequer, he bent his Thoughts again towards *Ireland*; ſlighting the Treaſury, he is outed, and grows more diſcontented; and at laſt turned out of Council: The next Day he repeats a Speech of the Earl of *Shaftſbury*'s making; and, unaſk'd,

preſents

preſents a Piece of Counſel and Advice to his Sovereign; pretending as a Peer it was his Duty. I am ſorry his Zeal made him forget, that Peers have no right of adviſing the King, but when he makes them of his Council, or by Writ ſummons them to Parliament. And what is very odd, he adviſes juſt the contrary to what he and the *other* Noble Earl [*Shaftſbury*] had done the Year before, when Courtiers. This laſt Nobleman's Life would make a comical Hiſtory; he knows how to put on all Shapes, and in the late Times, was not ignorant how to make an Apple-tree ſupply the Place of a Pulpit; he knew how to ſerve himſelf in all Turns and Changes, and has not failed ſince 1640, to have been often out and in with the ſeveral Higher Powers. To give him his due, he is a Man of extraordinary Parts; but if one of theſe Lords ſaid true, when he was a Courtier, and the other newly removed, they are all fitted and turned for confounding and amuſing, but not for extricating out of Difficulties. He wants not Wit to *hold forth* in the *Houſe*, or in the *open Air*, upon Occaſion; nor is he meanly ſkilled in the Methods of Court-Pleaſures, as well as Buſineſs. He muſt have an ill Memory that forgets who adviſed the breaking the *Triple League*, and making an Alliance with *France*, and a War with *Holland*, pronouncing in the Language of the Beaſt, *Delenda eſt Carthago*, that a *Dutch* Commonwealth was too near a Neighbour to an *Engliſh* Monarch; the *ſhutting up the Exchequer*, the granting Injunctions in the Caſe of the *Bankers*, and laſtly the Source of all our preſent Misfortunes, the *general Indulgence*. Theſe things being found of ill Conſequence, and the Miniſters removed, as Deſigners of *Popery*, *Presbytery*, *Atheiſm*, or *Irreligion*, *Arbitrary* or *French* Government; muſt any of ſuch Principles, as ſoon as turned out of Court, be received into the Country, as if theſe two had different Intereſts? Whoever ſay there is more than one Commonwealth in both, are Deluders, and Incendiaries, and Betrayers of the Nation. Thoſe that ſtrive to divide the King and his People, are to be looked upon as *Penſioners* of *France*, and to be moſt ſeverely puniſhed. There are that can tell Tales, what great Man [meaning the Earl of *Shaftsbury*] ſince the Plot, offered a Reconciliation with the Duke; and for a Reſtoration to his former Power and Greatneſs, would be his Servant to all Intents and Purpoſes: But the Duke could not be perſuaded, that one who had as often changed Parties, as *Proteus* his Shapes, and the *Camelion* his Colours, could be true to any Intereſt, but his own; and, therefore rejected his many Meſſages on this Subject. Another Peer [the Earl of *Bedford*] whoſe Son in the Lower Houſe, is the great Tribune of the People, would have had a Dukedom added to the *Garter*, to make both ſing to another Tune. A fourth would fain be a Privy-Counſellor in Reverſion. A fifth not long ſince at any Rate of Purchaſe, would have been Maſter of the Horſe to the Duke: Strange! that a Proteſtant Lord ſhould think of ſerving a ſuppoſed Popiſh Prince, and after hope, though thus mounted on Horſeback, to get to Heaven. It would be tedious to give particular Accounts of all; only by the way obſerve, that a young Lord [*Mulgrave*] newly come to Age, owned himſelf, to his Majeſty, diſobliged, becauſe, after a Voyage to *Tangier*, his great Valour there ſhewn, *and ſpending his Youth in his Prince's Service*, (theſe were his own Words to the King) another was preferred to the Command of the Lord *Plymouth*'s Regiment. I cannot but commend this Nobleman's Ingenuity, in owning the true Cauſe, and not pretending,

pretending, as others, Conſcience and public Good for his Motives: But I am ſorry he ſhould forget, not only the Obligations of Gratitude, which he is under for his Bread and for his Honour, but alſo who ſays, *Appear not wiſe before the King, and give not Counſel unasked.* He has Learning enough to underſtand the meaning of, *in Conſilium non vocatus ne acceſſeris.* It is to be hoped he may repent, and with more Years, his Wit may be turned into Wiſdom.

As for the Duke of *Monmouth*, I believe him perfectly drawn in by deſigning Politicians for Ends of their own, who never intended him more than as an uſeful Tool, afterwards to be laid aſide. It is no wonder that one of his Youth and Spirit ſhould be tempted with the Baits and Allurements of a Crown; the Splendor and Gaiety of Power has blinded many elder Men's Underſtandings. But that they never had him in their Thoughts for King appears from the Author of *Plato Redivivus*; and, indeed, if they had, they went the wrong way to work. They ſhould not have engaged him ſo far, as to deſerve his being turned out of his Command as General; a Poſt, that would have beſt enabled him to ſeize upon and make good any Pretence to the Crown, after the Death of his Majeſty. I am apt to believe his Grace is ſorry for what is paſt; I am certain it were his Intereſt to throw himſelf at the King's Feet, and quit the Counſels of thoſe Men, who, intriguing for themſelves, puff him up with falſe Hopes, and yet ſufficiently diſcover that nothing is farther from their Hearts than his Exaltation, or what is ſo much in their Mouths, Public Service to the King and Country. It is much better for him to be content with the *ſecond* Place in the Kingdom, than by pretending to the *firſt*, againſt all manner of Reaſon, and the Obligations of Gratitude, *forfeit all his Fame and Honour, Life and Fortune.*

The Petition being already anſwered, I will only obſerve, that his Majeſty, intending to turn them out, ſent *Mr. Secretary* to the Earl of *Eſſex*, for a Liſt of the *Papiſts* he mentioned in the Guards; but the *noble Peer* had none to give, but may be ſuppoſed to have taken the Story upon Hearſay, from ſome that had the Malice to invent it. And now muſt the Nation ſuffer themſelves to be rid by any *Faction*, becauſe deſigning particular Advantages, they gild all with the ſpecious Pretences of *Religion* and *Loyalty*; particular Reſpect for the Church of *England*, by opening her Doors to all Diſſenters; and for the Monarchy, by clipping the King's Power to prevent the *Papiſts* Contrivances againſt his Perſon: Examine whether the zealous Sticklers for the *Proteſtant* Religion, have any at all; or if they have, whether it be not as far from that eſtabliſhed by Law, as Popery? Whether if the King would grant their Deſires, receive them into Offices and Power, they would not ſtand up in Juſtification of the Court, as fiercely as now they do the contrary? What has been before, may well be expected again. He that conſiders this, and that Malice never ſpoke well of any, will give the Factious little Credit; eſpecially, when, againſt Reaſon and Senſe, they would impoſe upon us, that the King himſelf is in the *Plot*; or as one of the Members in a printed Speech, tells the Houſe, *The Plot is not ſo much in the* Tower, *as in* Whitehall; *there it is to be ſearched for, and there to be found.* And all this becauſe he will not unking himſelf, and put his Crown into their Hands, and againſt Law, his Coronation-Oath, and Brotherly Affection, paſs the *Bill of Excluſion*, to the prejudice of himſelf and the whole

whole Kingdom. This is not a ſingle or private Man's Opinion, but the Judgment of the ſupreme Tribunal of *England*, the Houſe of Lords; where upon the firſt Reading, it was thrown out, with the Odds of 63 againſt 31; for which Reaſon their Lordſhips are called maſquerading *Proteſtants*, *Tories*, *Papiſts*, or their Adherents: as if the Lords muſt not be allowed the Privilege, the Commons take with any of their Bills, without Cenſure and Affront. But why for their Act muſt his Majeſty be loyally libelled and aſperſed? It had been Time enough, one would have thought, to have called him *Papiſt*, &c. had he rejected the Bill after it had paſſed both Houſes. Oh! then who could have doubted, but his doing more againſt the *Papiſts* than any of his Predeceſſors, had been promoting their Intereſt, that his pardoning no Man condemned, nor ſtopping the Execution of any Law againſt Recuſants, was making it no Plot, and that paſſing the Teſt was letting in Popery by wholeſale. He that can believe theſe Things, is prepared for any Thing, to ſay a Lobſter is a Whale, or a Whale a Lobſter; that the Moon is a Green-cheeſe, and the Sun a round Plate of Red-hot-iron; and then, I preſume, it may not be decided whether we are Fools or Madmen. Let us not idly and unjuſtly bely our Conſciences, and publiſh to the Nation and all the World, that nothing can ſecure us againſt Popery, but the Shaking and Alteration of the Monarchy, by the Bill of Excluſion; an Act in itſelf unjuſt and impolitic, both for the King and People. No Man is to be puniſhed *ex poſt facto*, by the Laws of this and all other Countries. Beſides, why ſhould the Duke, more than any *Fanatic* of *England*, be outed his Birth-right? The Scripture ſays, *You muſt not do Evil, that Good may come of it*; and Prudence will tell us, *That this is an Evil, that muſt be attended with greater*; for the Minute that it paſſes, the Duke is at Liberty to recover his Right by ſecret or open Violence, Foreign or Domeſtic; he is declared an Enemy and a Traitor; condemned without Trial or Conviction. This Piece of Injuſtice muſt be defended by an Aſſociation or an Army; this Army muſt be entruſted in the Hands of the King or a General; either may make himſelf abſolute and arbitrary; and therefore if People are now afraid of Slavery from the Government, what may then be their Apprehenſions? And if they are jealous of the King, what General will they find to entruſt? Thoſe meanly ſkilled in Story, know that Commanders of Armies have at Pleaſure ſubverted Commonwealths and Kingdoms: *Agathocles* from being General, became Tyrant of *Syracuſa*; *Piſiſtratus* of *Athens*; *Sforza* of *Milan*; the *Medici* of *Florence*; the *Cæſars* of *Rome*; and not to go ſo far off, *Cromwell* of the three Kingdoms. Moſt of the *Roman* Emperors were dethroned by their Generals; and therefore this cannot but make the King as unwilling as the People, to entruſt this great Power in any Perſon. And yet without ſuch a Truſt the Act of Excluſion is not worth a Straw; nor with it can we be ſecured againſt Slavery, whether the Duke conquer or be overcome. The Duke will ſtill find a Party, at leaſt if he out-lives the King, in the three Kingdoms to fight his Quarrel; and if he comes in by Force, he may well uſe us like a *conquered Nation*, break our old, and give us what Laws and Religion he pleaſes; whereas if we attempt no ſuch thing, we ſhall not run the hazard of a *Civil War*, the King being as likely to out-live, as to be out-lived, by his Brother. If he ſhould chance to ſucceed peaceably, he cannot be preſumed to offer any Alteration

tion in Religion so much against his Interest, and who never forwarded any in his own Family, suffers his Children to continue in the Church of *England*, knowing that *Christianity* forbids Compulsion for its Propagation. To say he would be Priest-ridden, is ridiculous; why he more than the *French* King, who openly opposes the Pope's Usurpation, and assumes to himself the Cognizance even of Church-Affairs? This is but a Pretence to impose upon the ignorant and the credulous; if there be not Laws enough already, new ones may be made to prevent any such Intention. When all Offices and Powers are in the Hands of *Anti-papists*, I cannot see where can be our Danger.

But this, if granted, would not be all; the Monarchy is hereby made elective, and the Possessor may as well be removed, as the Successor debarred. In order to this, is there not a *History of the Succession* published, shewing that the Monarchy is rather elective than hereditary? Of which here I will only say, that the Writer is a notorious Plagiary, and steals out of a seditious Book writ on the same Subject by *Parsons* the Jesuit, under the Name of *Doleman*, in Queen *Elizabeth*'s Time, with Design of distracting the People, and making Way for a *Spanish* Conquest and Inquisition; the *Presbyterian* Transcriber, proves himself of the same *Jesuitical* Principles, and with equal Honesty pursues the same Ends, Usurpation and Slavery. It is not to be doubted, but that there have been frequent Interruptions of the Succession of the Crown; but no Title, but that of the Sword, was ever put in Ballance with Proximity of Blood; and he that will oppose Fact to Right is very unjust, and argues not upon the Principles of Morality, nor the Laws of Nations. Much such another good *Christian*, is the Writer of *The Appeal to the City*, who tells us, if we set up a King with none or a cracked Title, we shall have the better Laws; and Instances that *Richard* III. an Usurper, a Murderer, and a Tyrant, made excellent Statutes. But he might, had he been just, have found the Laws of that King outdone by those of our present Sovereign, whose Title none can question.

And yet it is not unreasonable to suspect a Design on Foot of subverting the Monarchy, if it be considered, that passing the Bill against the Duke, will not **alone* satisfy his Adversaries, who further expect, that all those now firm to the King be removed, and their Trusts put into confiding Hands; and thus when they had him in their own Power, it would be no hard Matter to act their Pleasure. The Speech disowned by the *Protestant* Lord, and burnt by the Hangman (a Fate the Author does certainly deserve) tells us in plain *English*, *We must have a Change, and a King we may trust, and well-affected Counsellors*, with much more treasonable and seditious Stuff. These Things, and the frequent mentioning the Fates of *Edw.* II. *Rich.* II. and *Hen.* VI. cannot but alarm his

* This Passage is explained by another in a Memorial of the Lord-Keeper *North*'s, inserted in the *Examen*, page 153. in these Words. "The Prince of *Orange*, when he came into *England* [*July* 23, 1681.] pushed the King extremely to satisfy the Nation, and to agree with his People. The King bid him ask any of the discontented Party what would do it, and what were their whole Demands? He conferred with some and told the King, There was no Undertaking for an Assembly, for they would do what they pleased: But there must be *more* than the *Bill of Exclusion*; for that was but Parchment, which was nothing. The King, thereupon, understood, That they must have the Militia, *&c.*

Majesty, and restrain him from ever complying with such Persons against his only Brother; he has so often affirmed the Bill should never pass, that he cannot now, without Diminution of his own Honour, as well as Safety, alter his well-grounded Resolution, taken upon the Sense of Conscience and Duty, the present and future Good of himself and People. An Act that would be the highest Violation of *Magna Charta*, which ordains none should be put by his Birthright and Inheritance, but by the Law of the Land, and legal Process. And, therefore, I hope, what cannot be supposed will be granted, will no longer be insisted on, lest the Consequences prove fatal.

One Thing I cannot but admire, that the Duke should be absolutely excluded on Supposition of being a *Papist*, for otherwise he is allowed by all to be a Prince of incomparable Vertues and Endowments, leaving no room for enjoying his Right, in Case he become a *Protestant*. Do they suppose an Alteration of Opinion impossible? That's false and foolish. There are Instances of Men that have changed often, and to mention no more, the Duke's Grandfather *Henry* IV. twice altered his Opinion. Besides, it is unjust, and contrary to their own Practice; for Lord *B*—— was an imprisoned Plotter, but as soon as he became a Convert, without farther Process or Trial, he was innocent and acquitted. We do in this exceed the *Papists* in *France*, and condemn our *Protestant* Ancestors, and all others abroad, who accused them as *Antichristian* and Rebellious, for opposing their lawful King *Henry* IV. on the Score of Religion; for the *Parisians* loved his Person, and stood upon no other Condition than his turning *Papist*, to receive him for their Sovereign; as all the Royal Cities of that Kingdom had done before. And therefore I very much suspect we are grown weary of Monarchy, and, with an Inconstancy natural to *Islanders*, affect a Change though for the worse. To this I am induced by many Reasons, and not a little from a *Protestant* Lord's Speech, the last Sessions, *That the People of* Athens *were so fond of good King* Codrus, *that they resolved to have none after him.* But to attempt this Piece of Folly and Wickedness, will inevitably embroil us in a Civil War: And of that the Event is so uncertain, that we ought to dread the Loss of all, by striving to enlarge our present Liberties. This Madness ordinary Prudence will carefully avoid, because in all Probability the King must get the better; his Condition is not like his Father's: He has Standing Troops, which the other wanted, to guard his Person; he has the Militia in his own Hands, he has no *Scotch* nor *Irish* Rebellion, to divide or distract his Forces; and above all, he has the Parliament in his own Power, to let them sit or not sit, at his Pleasure and their good Behaviour. And it is happy he has this Power, to secure himself from popular Fury, at this Time especially, when, whatever the *Papists* have done, we daily see others run into Clubs and Cabals, distinguishing themselves by *Green Ribbons*, by *general Committees* and *Sub-Committees*, where all Transactions of Parliament are first designed and hammered, Collections made, a Common Purse managed, and Agents employed in every County, to prepare and influence the People, write and disperse false News, Libels against the Government, Addresses made and sent into every Shire and Borough; and if the Members do not go down to their Elections, they can print for them such Speeches as serve their Purpose. Witness one my Lord *Vaughan* spoke at his Election, though his Lordship was not out of

London;

London; I have not heard before, that Sir *Samuel Morland*'s Speaking-Trumpet, could convey a Voice a Hundred Miles Diſtance. But this is nothing with our *True Proteſtant Intelligencer*, *B. H.* [*Ben. Harris*] who printed an Addreſs from the Town of *Colcheſter*, that never was ſeen nor preſented by any of the Inhabitants, as by an Inſtrument under the Town-Clerk's Hand does plainly appear. But though Swearing be, Lying is not, againſt the Intereſt or Practice of the Godly *Preſbyterians*, the true Offspring of the *Ignatian* Fathers, who outdo them in the Doctrine of *Piæ Fraudes*, as well as in all other their immoral and *Antimonarchical* Principles.

And now, conſidering that none that have any thing to loſe, can ever get by a Rebellion, and that there is no juſt Pretence for one, our Liberties and Properties not being broken or invaded, the Rich, unleſs they are mad, will never begin; and yet with, or without their Aſſiſtance, a Riſing of *Jack Cade* or *Wat Tyler*, inſtigated by greater Perſons, will but enlarge the Regal Power and enrich the Crown: And for theſe and many other Reaſons, I look upon the Threats or Fears of Rebellion, as idle and vain, as our Jealouſies and Apprehenſions of *Popery*, which can never poſſibly obtain in *England* but by a Civil War, ſince their Numbers here, are but as one to 230, and by an exact Calculation in the three Kingdoms, the whole Number of *Papiſts*, is but as one to 205 Non-*Papiſts*; and their Wealth and Poſſeſſions is not one to 300. If their Power had been ſo terrible, they wanted not ſince the Plot Provocations to make us feel, as well as hear of it. But theſe Noiſes are like Armies in Diſguiſe at *Knightſbridge*, and Regiments of Horſe hid in Cellars under Ground, and blowing up the *Thames* to drown *London*; Artifices formerly uſed to draw in the Eaſy and the Credulous. But it is to be preſumed, the ſame Trick will not paſs twice upon us in one and the ſame Age, while the bleeding Wounds of the laſt are ſtill ſo freſh in our Memories. To remedy and compoſe our preſent Madneſs and Diſtractions, and prevent future Evils, muſt without doubt be the hearty Endeavour of all honeſt Men, who expect this will be a healing Parliament, that will make up all our Breaches, and unite our Diviſions, by the Methods of Prudence and Diſcretion; weighing the true Cauſes, and applying fit Remedies, without Regard to Faction or Intereſt, Heat or Paſſion; reflecting how unreaſonable it is, to ſuſpect in the King or his Miniſters, any Deſign of introducing Popery and Arbitrary Government; a malicious and idle Invention, ſet on Foot with Purpoſe to enflame the Kingdom, by Men who were *outed*, or *deſirous of Court-Employments*, diſobliged Perſons, or *French* Penſioners: That the *Bill of Excluſion* is not like to paſs, either the Lords Houſe or the King, becauſe in itſelf Unjuſt, Impolitic and Dangerous, not only to the Prince, but to the Subject: That all other legal ways for preventing *Popery* and *Preſbytery*, are to be taken by thoſe, who deſign the Preſervation of the eſtabliſhed Monarchy and Religion: That this is already, or may with Eaſe be, ſecured againſt the Attempts or Power of any *Popiſh-Succeſſor*: That our Fears in this Point are groundleſs, and at beſt founded upon Accidents, that may never happen: That it is the higheſt Imprudence to run into real, preſent, to avoid poſſible, future Evils: That Innovations of this Sort would be againſt the Prince's Intereſt, who, having not a fourth Part of the Revenue, neceſſary for the Support of the Crown, muſt be under a Neceſſity of complying with his People in Parliament;

and that his Temper, Practice and Declarations, ſecure us againſt Impoſitions of this Nature: That it be conſidered, whether the unquiet Apprehenſions from the Plot, may not be laid, by a ſpeedy and impartial Trial and Execution of all the accuſed and convicted, and after the King's granting a general Pardon, with ſuch Exceptions as have been uſual. The doing this will beget a right Underſtanding between the King and his People, defeat the Contrivances of our Adverſaries, reſtore us to Peace and Quiet at Home, and reſcue us from Contempt and Danger abroad, and make the Name of Parliament as famous and renowned, as ſome Libellers endeavour to make it baſe and odious. How this is to be compaſſed, you yourſelves are deſervedly made the Judges, and therefore I will not, like the fooliſh Orator, teach *Hannibal* the Art of War.——*Fiat Juſtitia ruit Cœlum.*

A Speech without Doors, made by a *Plebean*, to his Noble Friends.

[*According to the Date annexed to this Speech, it was made in the Year* 1681. *But if it was then for the firſt Time publiſhed, it was out of all queſtion made at ſome other Criſis: For how could it be ſaid, that his Majeſty's Expence, was (unuſually) vaſt, at the Meeting of the* Oxford *Parliament? Or that any Enemy threatened to thunder againſt the Kingdom? Or that the Kingdom had then been often alarmed with ſuch Pretences? And above all, that* Liberty of Speech, *in Parliament, was either fallen into Diſuſe, or become in the leaſt dangerous to him, who uſed it moſt? But then, whatever Criſis it was calculated for, the Topics are ſo conſtitutional, that they will be ever worth the Attention of* Engliſhmen, *as long as the* Engliſh *Conſtitution has a Being.*]

PARLIAMENTS have been wont to take up ſome Space at their firſt Meetings, to ſettle the Houſe, and to determine of *unlawful Elections*, and in this Point they never had greater Cauſe to be circumſpect, than at this Time: For by an Abuſe lately crept in, there is introduced a Cuſtom, which, if it be not ſeen and prevented, will be a great Derogation of the Honour, and a weakening of the Power of your Houſe; for whereas the Law giveth a Freedom to Corporations, to elect Burgeſſes, and forbideth any indirect Courſe to be taken in their Elections; many of the Corporations are ſo baſe minded, and timorous, that they will not hazard the Indignation of a Lord Lieutenant's Letter, who underhand ſticks not to threaten them, if he hath not the Election of the Burgeſſes, and not they themſelves.

And commonly thoſe that the Lords recommend, are ſuch as deſire it for Protection, and are ſo ignorant of the Place they ſerve for, as that there being Occaſion to ſpeak of the Corporation, for which they are choſen, they have aſked their Neighbours ſitting by, whether it were a Sea, or a Land Town?

The

The next Thing that is required, is, *Liberty of Speech*, without which, Parliaments have little Force or Power: Speech begets Doubts, and reſolves them; and Doubts in Speeches beget Underſtanding: He that doubts much, aſketh often, and learns much; and he that fears the Worſt, ſooneſt prevents a Miſchief.

This Privilege of Speech, was antiently granted to be the Privilege of the Parliament, by the Teſtimony of *Philip Comines*, a Stranger; who prefers our Parliaments, and the Freedom of the Subject in them, above all other Aſſemblies; but this Freedom has been much broken and diminiſhed, if not, negligently loſt ſince the Days of *Comines*.

If Freedom of Speech ſhould be prohibited, when Men with Modeſty make Repetition of the Grievances and Enormities of the Kingdom; when Men ſhall deſire Reformation of the Wrongs and Injuries committed, and have no Relation of evil Thoughts to his Majeſty; but with open Heart and Zeal, expreſs their dutiful and reverend Reſpect to him and his Service; I ſay, if this kind of Liberty of Speech be not allowed in time of Parliaments, they will extend no farther than Quarter-Seſſions; and their Meetings and Aſſemblies will be unneceſſary, for all means of Diſorder new crept in, and all Remedies and Redreſſes, will be quite taken away.

As it is no Manners to conteſt with the King, in his Election of his Counſellors and Servants, (for Kings obey no Men, but their Laws) ſo were it a great Negligence, and partly Treaſon, for a Subject not to be free in Speech, againſt the Abuſes, Wrongs and Offences, that may be occaſioned by Perſons in Authority. What Remedy can be expected from a Prince to a Subject, if the Enormities in his Kingdom be concealed from him: Or what King ſo religious and juſt in his own Nature, that may not hazard the Loſs of the Hearts of his Subjects, without this Liberty of Speech in Parliament? For great is the Misfortune of moſt Princes, and great is the Unhappineſs of Subjects, when Kings Affections are ſo ſettled, and their Loves ſo far tranſported to promote Servants, as they only truſt and credit what they ſhall inform.

In this Caſe, what Subject dares complain? Or what Subject dares contradict the Words or Actions of ſuch a Servant, if it be not warranted by Freedom of a Parliament; they ſpeaking with Humility? For nothing obtaineth Favour with a King, ſo much as a humble Remonſtrance.

The ſureſt and ſafeſt Way, betwixt the King and his People, which hath leaſt Scandal of Partiality, is, with Indifference, Integrity and Sincerity, to examine the Grievances of the Kingdom, without touching the Perſon of any Man, farther than the Cauſe giveth the Occaſion: For otherwiſe, you ſhall conteſt with him that hath the Princes Ears open to hearken to his inchanting Tongue; he informs ſecretly, when you ſhall not be admitted to make Excuſes, he will caſt your deſerved Malice againſt him, to your Contempt againſt the King; and ſo will make the Prince the Shield of his Revenge.

Theſe are the ſiniſter Practices of ſuch Servants to deceive their Sovereigns: But when our Grievances ſhall be authentically proved, and made manifeſt to the World by your Pains to examine, and Freedom to ſpeak, no Prince can be ſo affectionate to a Servant, or ſuch an Enemy to himſelf, as not to admit of this indifferent Proceeding: If his Services be allowable and good, they will appear

pear with Glory; if bad, your Labour ſhall deſerve Thanks both of Prince and Country.

When Juſtice ſhall thus ſhine, People will be animated to ſerve their King with Integrity; for they are naturally inclined to imitate Princes in good or bad.

The Words of *Cicero* will then appear, that *malicious and evil Men make* Princes *poor, and one perfect good Man is able to make a Realm rich.*

There is no Remedy left for Miſ-reports, but a Freedom of Speech in Parliament. For there is no wiſe Man that ſpeaks, but knows what, and when to ſpeak, and how to hold his Peace. Whilſt Subjects Tongues are tyed, for fear they may reach him a Rap whoſe Conſcience cries Guilty, the King and his People are kept from underſtanding one another; the Enemy is heartened abroad, and the malignant Humour of Diſcontentment nouriſhed at Home; and all for one who is like a Dragon, that bites the Ear of the Elephant, becauſe he knows the Elephant cannot reach him with his Trunk; and Princes are abuſed by falſe Reports whiſpered in their Ears by Sycophants and Flatterers.

Diogenes being asked what Beaſt bit ſoreſt? Anſwered, *Of Wild Beaſts the* Back-biter; *Of Tame the* Flatterer.

Now to deſcend to Grievances, which are of two kinds; ſome concerning the Kingdom in general, ſome in particular, which have Relation to the General.

Grievances in General, are ſo many in Number, as will ſerve for every Member of the Houſe, to preſent two a Piece to your Views: And I will preſume ſo far to rank myſelf with you, as to tender the Number of two, unto your Conſideration.

My Firſt Complaint is *of Titles of Honour*; and in Two Kinds.

Firſt, in Reſpect of the Parties themſelves, their Eſtates and Parentage.

Secondly, in Reſpect of their Manner of their attaining thereunto, which is mercenary, baſe and corrupt, which in Reaſon ſhould not hold; for by Law the Conſideration is unlawful.

Trajan commended *Plutarch* for his Precept in School, when he taught, that *Men ſhould labour to deſerve Honour, but avoid the getting of it baſely:* For if it were Reputation to have it by Deſert, it were Infamy to buy it for Money. In that Age where rich Men were honoured, good Men were deſpiſed.

Honour is not to be valued according to the vulgar Opinion of Men, but prized and eſteemed as the Sir-name of Virtue, ingendered in the Mind; and ſuch Honour no King can give, or Money can purchaſe. He that will ſtrive to be more honourable than others, muſt abandon Paſſion, Pride and Arrogancy; ſo that his Virtue may ſhine above others. For Honour conſiſts not in the Title of a Lord, but in the Opinion People have of their Virtue; for it is much more Honour to deſerve, and not to have, than to have it, and not deſerve it.

There is one of three Things, that commonly cauſeth Man's Advancement, Deſert, Favour and Power.

The Firſt makes a Man worthy of it, the other Two are but Abuſes; for Favour is but a blind Fortune, an Ounce of which, at Court, is better than a Pound of Wiſdom: Fortune never favoureth, but flattereth; ſhe never promiſeth, but in the End ſhe deceiveth; ſhe never raiſeth, but ſhe caſteth down again: And this Advancement is meeter to be called Luck, than Merit.

That

That Honour that is compaſſed by Power, takes unto itſelf Liberty, and deſires not to be governed by Wiſdom, but Force. It knows not what it deſireth, nor hath a Feeling of any Injury: It is neither moved with ſweet Words, nor pitiful Tears; ſuch Men leave not to do Evil, becauſe they have a deſire to it, but when their Power faileth to do it.

The true Honour among the Honourable, is, where Fortune caſts down, where there is no Fault: But it is Infamy where Fortune raiſeth, where there is no Merit.

Examine the State and Condition of Men raiſed to Honour theſe twenty Years paſt, and whether it be Deſert, Favour or Power that hath preferred them.

Enter into the Miſchief the Kingdom hath ſuffered, and doth ſuffer by it; and the Cauſe of his Majeſty's great Wants will ſoon appear, if you recollect with yourſelves, how many hungry Courtiers have been raiſed to the higheſt top of Honour.

After this examine their princely Expence in theſe Twenty Years, their Eſtates in preſent, and what is requiſite to maintain them in their future Degrees of Honour, to themſelves and their Poſterity, and you ſhall find his Majeſty's annual Revenues conſumed and ſpent upon thoſe unworthy Perſons. Beſides the impairing and impoveriſhing the State, it brings with it the Contempt of Greatneſs and Authority, it breeds an inward Malice in Gentlemen better deſerving of their Country, and better able to maintain the Degree of Honour without Charge to King or Kingdom, and whoſe Houſes and Alliances may better challenge it than the beſt of them.

The Character of a covetous Man is, that he getteth his Goods with Care, and Envy of his Neighbours, with Sorrow to his Enemies, with Travail to his Body, with Grief to his Spirit, with Scruple to his Conſcience, with Danger to his Soul, with Suit to his Children, and Curſe to his Heirs: His Deſire is to live poor, and to die rich; but as theſe Vices are made Virtues, even ſo is he honoured for them with Titles of Nobility.

When *Philip* the Second, King of *Spain*, entered with Arms upon his Kingdom of *Portugal*, and tho' with his Sword he might have made fighting Laws; yet were there ſome Privileges, which the *Portugals* beſought they might enjoy, one whereof was, That the King would make no unworthy Perſon Noble, or without their Approbation, which was granted them, and to this Day they hold their Freedom, which keeps that Kingdom in the antient State, Honour and Dignity; (that is to ſay) two Dukes, one Marquis, and eighteen Earls: And thus much for the Point of Honour.

The Second Grievance I will recommend to your View is, *The Carriage of our Wars*; the exceſſive Charges vainly ſpent therein, the Unworthineſs of the People employed, the Grave and Experienced neglected, the Deſigns not warranted by Reaſon and Direction, and the Executions worſe performed; with many other Circumſtances that depend upon it.

I muſt crave leave to declare the Property and Condition of Impoſtures, and Deceivers of Princes.

Abuſers of Princes are they that perſuade them to War, to become poor when they may live in Peace, and become rich; when they may be loved, cauſe them to be hated; when they may enjoy their Lives ſurely, put them in Hazard

Hazard of croſs Fortune raſhly; and laſtly, having Neceſſity to uſe their Subjects, put them into that Neceſſity, as they refuſe to do for him: All this is the Pride of the Perſuader, as *Socrates* ſaith.

The firſt leſſening of the Greatneſs of the *Roman* Empire, was by the Inſolence of Soldiers; and the firſt raiſing of the *Ottoman* Houſe, was by Permiſſion and conniving at his Army.

England, with ſmall Charge, can raiſe what Men his Majeſty pleaſeth to command, and that ſuddenly, and diſcharge them again without Trouble or Charge as quickly: *England* wants no good and able Men, if his Majeſty had Occaſion to uſe them. The wiſe Men of *England* would have thought *Two or Three Hundred Thouſand Pounds* better ſpared, than thus waſtefully conſumed, and Diſorders committed; we may compute it to that Sum, and yet keep ourſelves within Compaſs: And notwithſtanding, the Want of Money, and the Ways to exact it on the Subject, is all the Song now ſung: He that ſees and complains of the evil managing of things, is either impriſoned, baniſhed the Court, or cenſured for a Diſcontent.

There is no *Engliſhman* but knoweth the Heart of every other true *Engliſhman*; and with one Conſent we all obey our Prince; to his Perſon we owe all due Reverence; and we may truly ſay, no King is more happy in Subjects for their Love, nor no Subjects readier to ſerve their King with their Purſes and Perſons; nor never People were better bleſt with a King.

Falſe Informers and Miſguiders of good Kings are much more perilous, than if Princes themſelves were evil; for, commonly as Worms breed ſooneſt in ſoft and ſweet Wood, ſo are the beſt Natures, inclined to Honour and Juſtice, ſooneſt abuſed by falſe Flatterers.

The Evil they commit under the Authority of good Princes, is accounted as done by the Prince himſelf; but, commonly ſuch People in the End pay for it; for he that deſires not to do Good, cannot be wiſe, but will fall into a thouſand Follies.

One of the firſt Propoſitions made to the Houſe, will be for Money to ſupport his Majeſty's vaſt Expence, at this Time, that the Enemy threatens Thunder againſt the Kingdom. Your often Alarms, upon ſuch Pretences, may make you now too ſecure; for true it is, that in the laſt Parliament, Books were publiſhed of invincible Preparations, intended againſt us, and nothing came of it. But beware that you be not deceived by an old Saying, That when one uſually tells Lyes, he is not truſted when he ſpeaks Truth; for certainly the Danger is more [*here ſome Words are wanting to compleat the Senſe*] than by the Power and Greatneſs of another Enemy.

In this Caſe you muſt give for your own Sakes; that ſo you may be ſure to enjoy what is your's; for your Sovereign's Sake, to maintain his Greatneſs and State; and for your Country's Sake, to keep it from Oppreſſion of the Enemy; but withal, you ought to lay down the Condition of the Kingdom, and to ſhew that your Neceſſity cannot run parallel with your Hearts and your Deſires; that your Minds will be carried with a Willingneſs to give, but your Hands will keep back your Hearts for Want of Ability to give.

Themiſtocles, demanding Tribute of the *Athenians*, told them he brought two Gods with him, that is to ſay, *Perſuaſion* and *Violence*: They anſwered, that they

hey had two other Gods in their Country, as great and powerful, which were *Poverty* and *Impoſſibility*, which hindered them from giving.

We may truly ſay, that *God* hath ſo placed and ſeated this Iſle of *England*, that nothing but evil Counſel can hurt it. But true it is, Advice that is not warranted from wiſe Men, may prove more forcible and perilous than the Power of an Enemy.

The Scripture telleth us, That *the Thought periſheth that taketh not Counſel.*

A King of the *Lacedemonians* aſked how a Kingdom might ever ſtand, and was anſwered, two Ways: If a King take Counſel of wiſe honeſt Men, and they ſpeak freely; and do Juſtice uprightly.

There was never Cenſor that judged, Senator that ordered, Emperor that commanded, Council that executed, Orator that perſuaded, nor any other mortal Man, but ſometimes he committed Errors, and deſerved either Blame or Puniſhment for his Miſdoings, and if he were wiſe, deſired Advice what to do.

St. *Gregory* ſaith, No Man can give ſo faithful Counſel as he who loves a Prince more than his Gifts; then who are or can be ſo true Counſellors to our noble King, as a Houſe of Commons that hath no Relation to a *King's Gift*, but only to his Honour, flouriſhing Eſtate and Safety?

This is the Time to amend evil Councils paſt, and to let evil Counſellors ſee their Errors.

This is the Time for all Men to put to their Helps, ſome with their Hands to fight, others with their Advice to counſel; and for my Advice it is this:

That you preſent to his Majeſty in all Humbleneſs, your willing Mind and Hearts, to repair and fit to Sea his Majeſty's Navy: Yourſelves to have Power to make them able and ſerviceable, with the Advice of experienced Men that you may call unto you. This is a matter of great Importance, at this preſent, for the Safety of the King, Realm, and Subject; for the Strength of the Kingdom much depends upon this Bulwark, which we may well term *The Walls of* England.

His Majeſty will find himſelf much eaſed by it; Buſineſſes ſhall be carried without his Trouble or Care; Money ſhall not be ſought for to that End, but provided by you; his Majeſty may diſpoſe of the reſt of his Revenue at his Pleaſure.

By your Frugality and Huſbandry, his Majeſty ſhall have Occaſion to judge of things paſt, of yours in preſent, and hereafter it will ſerve for a Precedent to walk after; it will ſtop the Mouths of malignant Tongues, that inform his Majeſty of the Unwillingneſs of the Subject to give; and it will make it apparent, that their true Grief is not in the matter of Giving, but to ſee the evil Employing of it when it is given.

If any Man ſhall pervert this good Meaning and Motion of yours, and inform his Majeſty, *It is a Derogation from his Honour to yield to his Subjects upon Conditions*, his Majeſty ſhall have good Cauſe to prove ſuch Men's Eyes malicious and unthankful, and thereby to diſprove them in all their other Actions: For what can it leſſen the Reputation of a Prince, whom the Subject only and wholly obeyeth, that a *Parliament*, which his Majeſty doth acknowledge to be

his higheſt Council, ſhould adviſe him, and he follow the Advice of ſuch at Council? What Diſhonour rather were it to be adviſed and ruled by *one Counſellor alone*, againſt whom there is juſt Exception taken of the whole Commonwealth?

Marcus Portio ſaith, That that Commonwealth is everlaſting, where the Prince ſeeks to get Obedience and Love, and the Subjects to gain the Affection of the Prince; and that Kingdom is unhappy, where their Prince is ſerved out of Ends and Hope of Reward, and hath no other Aſſurance of them but their own Service.

A LETTER from a Perſon of Quality in *SCOTLAND*, to a Perſon of Honour in *London*; concerning his Royal Highneſs JAMES, Duke of YORK.

[*By whom this Letter was writ, or to whom it was addreſſed, is equally unknown: But by ſome Circumſtances in it, namely, the Confeſſion that the former was once an* Excluder; *and the artful Suggeſtion, that he intended to have writ at the* Beginning *of the Parliament at* Oxford, *and before they might meddle with the Bill of* Seclusion, *it is to be ſuſpected that whoever he was, he was induced to change his Opinion, becauſe the Times were changed. As the* * *ſudden Diſſolution, on the Eighth Day of their Sitting, when the* Excluſion *Bill had been juſt brought in, was a Thunderclap to the Malecontents; ſo the King's Declaration, againſt all their late Proceedings, ſeemed to denote a Storm at Hand; and with the very firſt Blaſt, the lighteſt Leaves were ſure to fly off. It was, beſides, become the Faſhion for all the Creatures of the Court to make Appeals to the People, on Behalf of the King and his Brother, againſt the Violence of their own Repreſentatives; and Biſhop* Burnet *acknowledges, that the Spirit of the* Excluders *was now ſo ſpent, that the* † *Anſwer they ſet forth to the King's Declaration, tho' the joint Labours of* Algernoon Sydney, *Sir* William Jones, *and Mr.* Somers, *had no great Effect.*]

SIR,

THE Acquaintance that I contracted with you, when I was laſt in *England* with Duke *Hamilton*, and the ſeveral Diſcourſes, that with ſo much Freedom we had together, concerning the State of Affairs, then in Agitation, makes me thus familiarly renew that Friendſhip which grew then

* What Biſhop *Burnet* ſays, That the King came to the Houſe not very decently in a Sedan, the Crown being carried between his Feet, is flatly contradicted by a Writer of the oppoſite Party, who affirms, That the Regalia was carried by the King's Servants, and Guards, to the Room where his Majeſty robed himſelf, before he went to the Houſe of Lords: [See a Tract called *Caſſandra* 4to 1704.] And Mr. *North*, treating of the ſame Incident, uſes theſe Words: "The King came to the Houſe of Lords, *as he was wont*, in a Chair, and another Chair followed, with the Curtains drawn; but, inſtead of a Lord, as was thought to be in it, there was only the King's Robes. Thus they went and ſat down, in a withdrawing Room."

† Which is to be found both in *Baldwin*'s Collection; and alſo in the Proceedings of Parliament.

then between us; whereby you will see, how much I am altered from myself, since that Time. You cannot have forgot, I am sure, in what Opposition I then stood against the Duke of *York*'s succeeding to the Crown; and that so firmly, that all you could say, tho' backed with strong Arguments and Reasons, could not any ways shake me; and therefore you may now justly wonder how it should come about, that I should now write to you in his Behalf: I intended this Letter at the Beginning of the Parliament at *Oxford*; and thought it might arrive to you Time enough before they might meddle with the Bill of Seclusion, if they should endeavour it at all, knowing the Aversion of his Majesty from putting by his Brother from his Hereditary Right. And though, to our Wonder, the Parliament was dissolved before we could think it was well begun, and before I could write what I intended; yet, since the Duke has many Enemies in *England*, I have, in letting you see my Thoughts as to his Right of Succession, shewed you that his Virtues have begotten here, even in this cold and bigotted Country, some Friends.

But before I enter upon my Reasons, that any Man who shall endeavour to put by the Duke of *York* from his Hereditary Right, violates the Laws of the Land, scandalizes his Religion, and does Unjustice to his Prince, I shall acquaint you how I came to be thus interested *for* the Duke, who was so much once *against* him. And first I declare to you, lest you should suspect that it might be the Change of my Religion that should have made this Change in my Politic Opinion, that I am still, and ever shall be, of the same Religion I was born and bred in, that is, a *Protestant*; and that I have as much Aversion for the Religion of the Duke, as I have a Love and Affection for his Person. But the greatest Motive that begot in me a Veneration for the Duke, and so consequently for his just Interest, is the personal Knowledge of his very many Excellencies and Virtues, which has raised in me, not only an ordinary Esteem, but has made me justly think him to be in himself no ordinary Man, but one worthy of the greatest Crown in *Europe*. Before I knew him but at a Distance; and tho' I had often seen him, and been in his Presence, yet I had received his Character at second-hand, and found him sometimes represented one Thing, sometimes another, according to the several Opinions and Interests of Persons; so as my Knowledge of this great Man was very much disguised, and in the Dark, till his residing here among us, gave me, and many others, a clear Prospect both of his Person, Actions, and Virtues. I shall not go about to characterise him to you, who so well know him, and who so often, from those many shining and excellent Virtues in him, has raised up Arguments to bring me from the Opinion I had entertained against him. But you see that he himself, by his Actions and Converse, in a little Time, has been able to do more than all the Words and Arguments in the World could do.

Having thus shewed you upon what Account I am become the Duke's Friend, you cannot now think it strange, that as an Effect of that Reverence and Esteem, I have received from so worthy a Person, I should write to you in his Behalf: And though the Parliament be dissolved, and that we fear not from thence, the Prejudice many did expect, yet I shall tell you, in few Words, my Mind; that I think it both unreasonable and unjust, for any Subject of *England* to attempt his Seclusion from the Crown. And I must here further

proteſt unto you, that, although I had never ſo great Eſteem for the Duke, yet were it not juſt, lawful, or right for him to ſucceed in the Throne of *England*, I ſhould never open my Mouth, nor uſe any Arguments in his Behalf; but the Right, Juſtice, and Equity, that I believe him to have on his Side, make me trouble you with theſe: And I muſt alſo beg your Pardon, that I preſume to tell you my Opinion, and to lay down my weak Reaſons for the Juſtice of the Duke's Cauſe, ſince I know you are already furniſhed with ſuch, that may, in Law and Equity, be a ſufficient Bulwark to defend his Right againſt all the Oppoſition can be made from rational Men; therefore, honoured Sir, I ſhall be obliged to uſe the leſs Arguments to you upon that Subject; nor will the Scantling of a Letter give Leave for long Harangues, or for oratorious Pleadings of the Caſe.

In the firſt Place, I ſuppoſe there are none, even among his violent Oppoſers, that any ways queſtion the Duke's Right of Succeſſion; ſo that his indubitable Right to ſucceed his Brother (whom *God* long preſerve) if he hath no legitimate Children, is not the Queſtion: But whether it be commodious or profitable to the Nation, or the People of *England*, that he ſhould ſucceed, becauſe a *Roman Catholic*, is the Thing ſtood upon. We ſhall not here at all queſtion the Right and Power that the King and his Parliament may have to diſpoſe of the Succeſſion, and to cut off the Duke from all Hopes of ſucceeding to the Crown; we will grant it, that it is in their Power ſo to do; but all that I have to urge to you, is, that in ſo doing, they would be very unjuſt, or at leaſt give very hard Meaſure to the Duke, only becauſe he has changed his Religion, and by which Means they have entertained an Opinion, that he will bring in *Popery*, and alter the Religion of *England*: But I think it is a Maxim in the Chriſtian Religion, that we ought not to commit an Evil, that Good might come thereon; and therefore, if putting the Duke by his juſt and indubitable Right, be committing an Evil againſt Juſtice, Law, and Right, it ought not to be done in any Expectancy of the Good that ſhall follow thereupon; and how they can ſalve ſuch an Act, which is decried by all Princes, and by many wiſe and great Perſons, from Injuſtice and Wrong, I cannot tell. The Jealouſies and Fears of the People, ought not to ſtir up thoſe in Authority to do injuſtly: And it is feared likewiſe, that the bringing in of *Popery*, as a Conſequence of his ſucceeding to the Crown, is buz'd about into the People's Ears, in order to increaſe their Fears and Jealouſies, by ſome Perſons, who may perhaps have other Deſigns in their Heads, not only of breaking the legal Line of Succeſſion, but that alſo of all Kingly Succeſſors: So that, whilſt by this Means, the People ſeek to maintain their Religion, they will be forced to loſe their Government; and be reduced again to the many arbitrary-headed Monſter, whoſe Paws will be far more heavy than the Royal Scepter in the Hand of the Duke: And this I doubt will be all that will be got by ſecluding the Duke. This one Thing is enough to make the King fearful of yielding to ſuch an Act, and to cauſe him by all Means to endeavour the ſecuring to his People the ancient Government of the Kingdom, as well as Religion and Property; ſince there are alſo Fears and Jealouſies on the one Hand, as well as the other.

I ſee my Letter grows long, and therefore beg your Excuſe, that I huddle up what more I have to ſay, which might be enlarged upon.

I ſay further, that the great and heroic Love, as well as juſt and pious, that his Majeſty has for his Brother, ſhould be ſome Argument to his People, not to urge Things ſo violently againſt the Duke, and ſo oppoſite to the Affection of his Majeſty; he having declared, *That there is nothing that a Parliament can demand, to ſecure them in their Religion, and to quiet their Fears and Jealouſies, he will not willingly grant them, excepting this one Thing, of utterly ſecluding his Brother from his Right, which is againſt his Conſcience.* I ſay, that methinks in this Matter, the People ſhould be as tender of the Conſcience of their King, as he is of the Deſires of his People; and that a Medium may be found out, that may ſatisfy both the one and the other, without laying this Ax of Secluſion to the Root of the Tree. And to add to the Weight in the Duke's Scale, and to oppoſe thoſe who would have him to be the Cauſe of the Troubles of the Nation, (tho' nothing yet has been plainly proved, that his Enemies can lay to his Charge) I ſay, the People ought not to forget the many heroic and valiant Actions he has done for his Country, how boldly and willingly he has ventured his Blood and Life in the *Dutch* Wars, expoſing himſelf to all manner of Dangers for the Sake of his Country, for which, like the noble *Themiſtocles*, he is in Danger of running the ſame Fate, of being baniſhed by thoſe People, to whom he had brought the Crown of Victory. But however juſtly the *Athenians* thought they might do it, his Baniſhment, to this Day, ſtands as a Brand of their Ingratitude and ill Nature, in the Records of Hiſtory; as no doubt, will this Secluſion of the Duke, after his valiant Actions, be recorded to the Diſhonour and Ingratitude of your Nation.

We ſhould now examine, how far the Religion of the Prince is conſiſtent with the Eſſence of Government; and whether there be that Danger to the *Proteſtant* Religion, from a *Popiſh* Succeſſor, as his Adverſaries pretend; and many Arguments might hence ariſe, which might give an Eclairciſſment to the Matter in queſtion: But I doubt I have treſpaſſed already too long upon your Patience, and therefore ſhall not trouble you farther at this Time concerning them; believing you ſufficiently furniſhed of yourſelf with a true ſpeculative Knowledge of thoſe Caſes, and that you are able there-hence to raiſe many Arguments in ſo juſt a Cauſe. But before I bid you farewel, I muſt alſo take Notice, that in preſſing the King to perform an Act of Violence to himſelf, they mightily diſtruſt Providence; for after all, the Duke being ſo little under the Age of the King, he may firſt die, and by that moſt natural Way ſecure them from their many Fears and Jealouſies of Dangers, that may accrue to them by his Succeſſion, if Providence thinks good; but if not, and that he ſhould ſurvive, I queſtion whether an Act of Parliament would be able to keep him from endeavouring to obtain his Right. It is therefore the beſt Way to wait a while, and to ſubmit to Providence, who knows beſt how to diſpoſe of all Things, and not to be too anxious and fearful of ſuch Things, as may never come to paſs, and not to run into unjuſt Actions, in order to prevent them. Pardon me, I beſeech you, the Trouble I have given you, ſince I was urged to it by the Affection I have to a Perſon, that I believe moſt in the World are miſtaken in, becauſe ignorant of his Worth. I am,

SIR, *Your moſt humble and faithful Servant.*

Some

Some modeſt REFLECTIONS upon the Commitment of the Earl of *SHAFTESBURY*, ariſing from the late Indictment againſt Mr. *STEPHEN COLLEDGE.*

[*It is now proper to recollect what is ſaid in the Letter from* Paris *to both Houſes of Parliament, concerning* Darius's *not being afraid, to throw the Accuſers of* Daniel *into the ſame Den, which* Daniel *had been delivered from. For, whether it was by way of Menace, or from Aſſurances received, that the Accuſers of the then ſuffering* Papiſts, *ſhould ſuffer alſo in their Turn, the Saying was now remarkably fulfilled. The very Witneſſes which had been imported from* Ireland, *to confirm the* Popiſh *Plot, all at once made a ſhort Turn, and ſwore High-Treaſon againſt their* Importers: *And that they might open their Evidence with ſo much the more Credit,* Plunket, *the Titular Primate of* Ireland, *was executed at* Tyburn *for High-Treaſon, at the very Criſis, that* Rouſe, Colledge, *and the Earl of* Shafteſbury *were committed. For the two former were committed* June 29; Plunket *was executed* July 1; *and his Lordſhip was committed* July 2, 1681.]

IT is long ſince we were aſſured by thoſe to whom we owe intire Credit, that, had the *Papiſts* ſucceeded in their Deſign of murdering the King 1678; the *Diſſenters*, and ſuch others as they propoſed to regiſter and inroll in that Number, were to have been charged with the Guilt of that deviliſh and traiterous Aſſaſſination: But it pleaſed *God*, through a timely Diſcovery of their helliſh Conſpiracy, not only happily to preſerve his Majeſty's Life, but to deliver many Thouſand innocent Perſons from the capital Dangers, into which the *Romiſh* Party had contrived to have brought them, by a falſe and ſcandalous Accuſation. And therefore, finding the Nation not only awaked to preſerve itſelf by all due and loyal Ways, but juſtly provoked to bring upon them the Puniſhments which they had deſerved by that helliſh Plot againſt the Perſon of the King, the eſtabliſhed Government, our Religion, and the Lives of all true *Proteſtants*, they have been endeavouring ſince, by all the Arts and Induſtry they could, partly to corrupt the Witneſſes that had diſcovered their Villanies, and depoſed againſt them, and partly to oblige them, and ſuch other profligate Perſons as they could hire and ſuborn, to ſwear a Sham-Plot, wherein his Majeſty's beſt and moſt loyal *Proteſtant* Subjects ſhould be reported to be engaged. And tho' they have been detected in above twenty ſeveral Inſtances of this kind, and thereupon diſappointed as to the Ends which they propoſed unto themſelves; yet, having no other Game which they can play with any Probability of Succeſs, they have purſued this Deſign with the more Indefatigableneſs, and having employed all their Policy to mould it into ſome credible Form, they have been at great and vaſt Expence, to bribe needy and debauched Fellows, to ſupport and confirm it by

by horrid and unprecedented Perjuries. For, they ſuppoſe, that, could they but get one *Proteſtant* to be found Guilty upon ſuch an Indictment, as they have been providing and framing Matter for, they ſhould then be able to involve a great many under the Suſpicion of the ſame Guilt. And, conſequently, ſhould the King come to be aſſaſſinated by ſome *Popiſh* Hand, they would labour to render *Proteſtants* obnoxious to the Scandal of having perpetrated ſo abominable a Crime. However, by ſuggeſting to his Majeſty, that his *Proteſtant* Subjects are embarked in a Conſpiracy againſt his Perſon; they do promiſe themſelves to bring the King either to truſt and rely upon them for his Safety, or to grant an Act of univerſal *Oblivion* for the quieting the Minds of his People, and the Peace of his Government. Or the leaſt that they do hope from this pretended *Plot*, is, That the ſame Perſons being produced as Witneſſes in this Caſe, that had appeared to give Evidence concerning the *Popiſh Plot* in *England* and *Ireland*, they ſhall come to be disbelieved in Reference to the one, through their not obtaining Credit in relation to the other. But, as I ſhall at preſent decline the Conſideration of thoſe Reaſons, why theſe very Witneſſes ought to be believed in whatſoever they have ſworn againſt the *Papiſts*; though no Faith or Credit is to be given unto what they depoſe againſt *Proteſtants*, ſo I conceive the *Papal Party* may happen to exclude themſelves from having any Share in an Act of *Indemnity*, by being the Authors and Promoters of this *Sham* Conſpiracy, whereby they would ruin ſo many of the chief Upholders of the eſtabliſhed Government, and the Reformed Religion. Nor can there be a greater Evidence, that the *Popiſh Plot* is as effectually carried on as ever, than this late Attempt to render his Majeſty jealous of his moſt loyal Subjects, and to cauſe them to be diſtruſtful of him, and thereby render him and them naked of all Defence againſt the manifold Preparations they have made both at Home and Abroad, for the deſtroying of his Perſon, and the Subverſion of the Government.

It is beyond all Contradiction plain, out of whoſe *Forge* this *Engine* to endanger our Peace, and deſtroy many innocent *Proteſtants* came; ſeeing it appears by the Teſtimony of good and ſubſtantial Witneſſes, that the Prieſts in *Flanders* had not only Notice of, but divulged it to ſuch as they converſed with abroad, before there was any Suſpect or Apprehenſion of it here. For there are ſeveral now in Town who were not only told beyond Sea, about the 27th and 28th of *June*, that my Lord of *Shaftesbury* and diverſe others would be ſecured before the ſaid Perſons could arrive in *England*; but the Prieſts who were the Authors of this unto them, openly declared unto them, that they expected ſuch Succeſs in their Projections and Undertakings from it, as to be able to ſay Maſs in our Churches at *London* before *Chriſtmas* next. Nor was it only in *Flanders*, where the Fathers, and thoſe they had intruſted this Secret unto were acquainted with it; but we underſtand the ſame by ſome lately come through *France*, who alſo heard from the like Hands, that the Earl of *Shafteſbury*, and many other *Proteſtant* Lords were to be committed, before the moſt Inquiſitive and Sagacious here could enterrain a Thought that there was any ſuch Thing intended.

But it is eaſier for Men actuated by Rage and Malice, to frame and contrive a Deſign whereby to ruin others, than to make it coherent in the Parts of it, or

give

give it that Face and Colour which may render it probable. And as no Man that knows the Earl of *Shaftesbury*, will think that ever he could enter into such a Conspiracy as he is charged with, much less can they believe that Persons of so mean Fortunes and shallow Understandings as hitherto are accused for it, should not only be acquainted with, but have the principal Promoting of it committed unto them. For tho' Mr. *Whitaker* and Mr. *Colledge* may be Men very well qualified for their respective Employments, of great Zeal for the *Protestant* Interest, and the legal Rights of the People, and of good Reputation for their Integrity, yet they are not Persons of those Abilities, Estates, or Power in their Country, as to be preferred before others, much above them in Understanding, as well as in all other Respects, to be consulted and advised with, about the Regulation or Change of the Government.

But if we apply ourselves to consider the Nature and Quality of this Plot, as we are let into it, and have it a little unveiled by the *Indictment* preferred against Mr. *Stephen Colledge* on *Friday* last, we shall go near to find this *Protestant* Conspiracy, that some have made such a noise about, to be the most ridiculous and romantic Invention that ever Men, pretending to Wit or Sense, suffered to be imposed upon their Belief. For by *Colledge*'s being introduced by one of the Witnesses reviling the Duke of *Monmouth*, in terms as gross and opprobrious as false, all that know the Man, are sufficiently instructed what little Truth there is in all the rest whereof he is accused. For next to his Majesty, there is none in the World, that he hath that known Esteem for, and in whose Service, in consistency with his Loyalty to his Prince, he would so soon sacrifice himself and all that he hath, as the Duke of *Monmouth*. And so far do all Men judge him from using such ignominous Expressions as he is accused of, concerning that great Personage, that they verily think, had any of the Witnesses used that Language of his Grace in *Colledge*'s Hearing, he would have taught him better Manners, though with the Hazard of his Life. But the *Papists* are so accustomed to asperse and slander this Duke in the most ignominious Terms, that they cannot forbear the fathering base and reproachful Calumnies of him upon such who would not forgive themselves the Crime of having a low or diminishing thought concerning him. But the Design of making this accused Person speak thus vilifying of his *Grace*, is too obvious not to be discerned, and so silly that evey Apprentice-Youth laughs at it. The *Popish* Party, finding that the Duke is sincerely and unchangeably fixed for the *Protestant* Religion; and that thereupon he hath a great and deserved room in the Hearts of all true *Englishmen*; they would fain endeavour to persuade him, that the People do despise and scorn him, thinking that, if any thing could, this would make him less zealous for the *Protestant* Doctrine and Worship. But they will find themselves deceived; for as nothing can abate his Love to the Established Religion, so the extraordinary Respect which the People do universally bear him upon this account is neither to be lessened towards nor alienated from him. But when we advance a step further, and find this pretended Plot to be no less than a National Conspiracy to destroy a Prince, whom they so unanimously restored to the Throne of his Ancestors, a few years ago, we shall find cause to disbelieve every word concerning it; and to pity the Folly and Simplicity of those that have endeavoured to abuse his Majesty, and his Ministers, with so ill contrived a Sham. For, according to the Evidence which *Smith* and others gave in

Court, it is no leſs than a Plot, wherein not only *City* and *Country*, but the very *Parliament* are all embark'd and engaged. But as the naming and intereſting the *Parliament* in a Conſpiracy, is enough to ſatisfy any reaſonable Man that there is none at all; ſo it enlightens us, upon what Motive and Inducement all this is invented and contrived. For the *Papiſts*, knowing the Villanies which they are guilty of, and being ſenſible of the Dangers they are liable unto, from the Juſtice of a *Parliament*, whenſoever one meets and continues to ſit; they have therefore no other Courſe to ſteer, but to render *Parliaments* ſuſpected to his Majeſty, that he may call no more. Accordingly, after they had hired a Company of raſcally Scriblers to defame *Parliaments*, eſpecially the *Houſe* of *Commons*, they now aſſume the Impudence openly to arraign them of a Treaſonable Deſign of depoſing the King and altering the Government. But the Fellows whom they had ſuborned to this purpoſe, tho' they had the Villany to become Inſtruments in ſo black an Undertaking, yet they had not the Wit to conceal it till it was ripe to be vented and improved. For, beſides, that one had the Boldneſs, in a late * Pamphlet, *to adviſe the King to reign Arbitrarily*, *Smith*, that famous Witneſs, is known to have given out, ſome time ago, that *he would ſpoil our Parliaments*. But the ſuffering mercenary Perſons to ſpeak and write of Parliaments, with that Impunity they have done of late, is enough to detect and betray the whole Project and Deſign to every rational Man. And can any one think, that, if there were ſuch a Conſpiracy, wherein, ſo many Perſons of Quality, Power and Eſtates were engaged; his Majeſty's *Guards* would be able to prevent their executing whatſoever they intended? Or can any Man imagine, that it is for the King's Safety and Intereſt, to have the Generality of his People brought to believe, that he entertains ſuch an Opinion of them, as that they are united in a Conſpiracy againſt his Perſon and Government? Were not the King ſafe through the Room that he enjoys in the Hearts of his People, and did not they apprehend themſelves protected by their own Innocency? What *Smith* ſaid [*concerning the Parliament*] in the Face of ſo great an Aſſembly as was at the *Old-Baily* on *Friday* laſt, and with ſo much Impudence, that it plainly appeared to be ſpoken upon Deſign, were enough to blow up the Peace of the Nation, and to throw us into Blood in four and twenty Hours.

But the Place where this Plot of ſeizing the King was to have been executed, does farther aſſure us, that all this is mere Fiction and Romance, and that there was no ſuch thing ever thought of. For, as it was impoſſible, that any Number of Men, proportionable to ſuch an Undertaking, ſhould go to *Oxford*, without being

* Called *An Apoſtrophe from the loyal Party to the King's moſt ſacred Majeſty: Humbly ſhewing how the next Houſe of Commons*, by LAW, *may be purged of its* Diſaffected Members, which the Author explains after this manner. By *Law* no *Papiſt* can ſit in the Houſe: All thoſe concerned in the late Rebellion, and even their Children, are *Papiſts in Maſquerade*; therefore one and all may be legally expelled. But leſt this kind of *Law* ſhould not be allowed, he adviſes his Majeſty, by way of *Succedaneum*, to make his own Will a *Law*, and to take off the Head of that Man, who ſhould dare to open his Lips to contradict it. Such was the Piece here referred to: And being ſuch, it is perhaps as reaſonable to conclude, that it was ſet forth by the Malecontents themſelves, in order to bring an additional Scandal on the Courtiers; as that the intemperate Zeal of any among the latter, ſhould impel them, in ſo ſavage a manner, to gratify their Paſſions at the Expence of their Cauſe.

ſeen and obſerved, ſo it is very well known, that the Town was much emptier than could have been expected, conſidering that, together with the whole Court, the great Council of the Kingdom was there aſſembled: And, inſtead of the Members being accompanied with a Train ſuitable to ſuch a Deſign, they denied themſelves the having thoſe menial Servants, with which they are uſually attended elſewhere. 'Tis true that ſome Gentlemen were honoured with the Company of their Friends, ſome part of the Way thither; but it is as true, that the Perſons who paid them that Reſpect, returned quietly to their Habitations, after they had diſcharged that piece of Civility, which they owed their Repreſentatives: And whereas it was ſworn, that they rode armed and with led Horſes, and that this was in order to apprehend the King; I ſhall take the Liberty to ſay, that the Perſon who made ſuch an Inference deſerved a *Reprimand* in the open Court. Shall the Witneſs *Smyth*, ride out of Town accompanied with two Servants, *martially* accoutred with Fuſees and Piſtols, as he did on *Sunday* laſt? And ſhall not Lords, Knights, and the beſt Gentlemen in the Kingdom be allowed to travel with a Sumpter-Horſe, and a Man or two with Carbines, but there muſt be a Conſpiracy to deſtroy the Government? But though ſome Men have both loſt their Diſcretion, and made Shipwreck of their Honeſty, in obtruding ſo falſe and nonſenſical a Story upon the Nation; yet there are thoſe whoſe Wit and Underſtanding have not ſo forſaken them, but that they can ſee through all this, and whoſe Integrity will guide and oblige them to judge impartially. For is it to be apprehended that they could entertain a Purpoſe of ſeizing the King at *Oxford*, who were ſo afraid of venturing themſelves thither, and ſo importunate with his Majeſty, that the Parliament might have ſat at *Weſtminſter*?

Alas! Inſtead of harbouring any Thoughts of attempting upon the King, or others, they were apprehenſive, that the *Papiſts* had ſome Deſign to be executed there againſt them.

Was it ever known, that when a Conſpiracy was ſo univerſally laid, as this is ſaid to have been, and wherein ſo many were concerned, as are reported to have been engaged in this, that Men would loſe the only Opportunity of executing what they had intended, knowing withal the Puniſhments to which they were liable, ſhould they be diſcovered, and how impoſſible it would be to conceal a Buſineſs of ſo high and dangerous Nature, with which ſo many were made acquainted? And can there be any Thing more incredible, than that there ſhould have been ſuch a Plot againſt his Majeſty at *Oxford*, and yet, that there ſhould never appear the leaſt *Symptom* or Umbrage of it, neither during the Sitting of Parliament, nor at, or after, their Diſſolution? Yea, was not his Majeſty ſo ſurrounded with armed Forces, beſides his having the whole *Militia* and *Poſſe* of the Shire, in Hands that he could truſt, the Noblemen, and Gentlemen who are fancied to have been in this Conſpiracy, bearing no Proportion unto them, that the very Thought of ſuch a Thing as is impoſed upon them, would have argued them Lunatic and Diſtracted? But what Villains were theſe Witneſſes, if they knew of ſuch a Deſign, that they did not acquaint his Majeſty with it, before he expoſed his Perſon to ſo imminent a Hazard? Or how comes it, if the King and his Miniſters knew it, that it had lain dormant ſo long ſince? For, beſides the great Danger to which they muſt be believed to have ſuffered his Perſon and the Government to have been all this while expoſed, if they were in-

informed of such a Plot, so long ago; this one Thing had been a more justifiable Reason of the speedy dismissing that Parliament, than all that are in the Declaration which was published upon that Occasion. It is true, Mr. *David-Fitz-Gerald* spake of such a Design, the Night *after* the Parliament was dissolved, with this further Addition, that the City of *London* was in Arms, and that his Majesty would have been apprehended, had he not escaped in that haste which he did. But as the Falsity of one Part of this scandalous Suggestion shews of what Metal and Stamp all the rest is, so no Man had more Reason to rejoice in the Parliament's being dissolved, than this *Footman*, *metamorphosed* of late into a Gentleman of Quality and Estate: For had the House sat on that *Monday*, to hear the Cause which was depending before them, against him, he had been made appear to be the most infamous Person alive, and more worthy of being sent to some Place, provided for receiving the worst of Men, than to be allowed to frequent the Palaces of public Ministers, and the Houses of Administrators of Justice.

But if we enquire into the Quality of the Witnesses, and consider not only the Probabilities, but the demonstrative Evidences of their having been tampered with, we shall be yet more clearly convinced, that there neither is, nor ever was any such Plot as the Earl of *Shaftesbury* stands committed for. And to wave the Consideration of several Crimes, with which all of them are chargeable, and for which some of them have been indicted and arraigned, I shall insist upon some other *Topics*, which it may be more convenient at present to discourse of. It is therefore, in the *First* Place, no small Inducement, to think that they have been suborned, that it can be proved upon all of them, and that by many Persons, and those of as good Reputation, as any in and about the City; that they have often declared, even since the *Oxford*-Parliament, that they never knew of any *Presbyterian-Plot*, nor of any Conspiracy, wherein so much as one *Protestant* was engaged. And, *Secondly*, it contributes something to raise in us the same Persuasion, that they delivered their Testimony, as if it had been consigned to them to get by Heart, and not as a Deposition relating to Words, which they had heard in occasional Discourse some Time since, and which they were to call over with that Fear and Modesty, which became Persons that were liable to mistake and forget. *Thirdly*, the Garb which they are lately gotten into, and the Plenty of Money that their Pockets are filled with, increaseth the Belief, that they have been managed by some one or other to say what they do, and that they are well paid and rewarded for it.

For some of them that were lately in debt, beyond any Probability of being ever able to pay what they owed, have, within these few Days, found Money both to discharge their Creditors, and new vamp themselves. *Fourthly*, it creates a new Suspicion, how these Persons come to appear as Evidence for the Proof of a *Protestant-Plot*; that diverse others, as will appear in due Time by their own Depositions, have been tempted to be serviceable in the same Design. *Fifthly*, that all this is *sham*, and proceeds from *Subornation*, is evident beyond all Control, in that of the six Witnesses, who were mustered up at the *Old-Baily* on *Friday* last, after they had sworn such and such Things in the Face of the Court, some acknowledged to the Grand-Jury, when they were examined one by one, that they were hired unto it, and that they had a Sum of Money for doing it:

Which as it vindicates the Integrity of the Jury, in returning *Ignoramus* upon the * *Bill*; ſo it intimates unto us, upon what Reaſons ſome, whom I forbear to name, oppoſed their being examined apart. For as all the Perſons who ſerved in that Jury, are Men of that known Honeſty and Uprightneſs, that they would not willingly perjure themſelves, to ſave a Kingdom; ſo moſt of them are not only avowed Members of the Church of *England*, but two at this very Time *Church-Wardens*, and a Third of them an Officer in the *Reformed Militia* of the City. But it being hoped that they will give the World an Account of the Juſtice of their own Verdict, I ſhall leave what may be farther ſaid in the Vindication of it, to themſelves.

But what will it amount unto, towards the Proof of a Proteſtant-Plot, wherein my Lord of *Shaftesbury*, and many other great and worthy Perſons, are ſaid to be concerned; if ſome raſh and unadviſed *Words*, ſhould be proved againſt *Colledge* and *Whitaker*? Shall other Men, and the beſt and wiſeſt in the Nation, under his Majeſty, be immediately judged Traitors, becauſe one or two warm and inconſiderate Perſons have talked fooliſhly and extravagantly? We are fallen into a ſtrange World, if a Body of Men muſt be made accountable for the Giddineſs of ſome, and thoſe ſuch as they had little Converſe with. Nor are the *Fanatics* to be reproached for the unwary and dangerous Expreſſions of theſe Perſons, ſeeing they are not only *Members* of the † Church of *England*, but chargeable with ſome Failures, that the diſſenting Churches would not allow any to continue in their Communion, that ſhould be found guilty of them.

But I ſhall leave the further Purſuit of this, at the preſent; and only add, that the ſame Day that the Earl of *Shaftesbury* was committed to the *Tower*, there was a Warrant obtained of his Majeſty to the Privy Seal, for the pardoning three *Oneals* that are known Traitors. Which as it intimates, how much his Majeſty is ſolicited by ſome ill Men, ſo this ought to be recorded for his Honour, that he commanded the ſtopping of their Pardon as ſoon as he underſtood what they were.

* Who was hereupon indicted anew before the Grand-Jury of *Oxford*, and the Bill being found, tried by Special Commiſſion, before the Lord Chief Juſtice *North*, *&c.* condemned and executed.

† Mr. *North* in his *Examen*, pronounces *College* a *Fanatic*.

REMARKS upon the NEW PROJECT of *ASSOCIATION.*

In a LETTER *to a* FRIEND.

[*In the preceding Paper we met with the Word* Ignoramus; *and that Poſtenity may fully underſtand the Uſe and Application of it, during theſe Times, a few Words may be neceſſary by way of Explanation. According to Mr.* North, *the Malcontents had long expected a Storm, and had as long provided againſt it, by endeavouring to ſecure the Law, or at leaſt the Iſſue of it, on their Side: This in* London *and* Middleſex, *they did very effectually: For having obtained and ſecured a Majority in the* Common-Hall, *they had it thereby in their Power, to chuſe ſuch Juries, as ſhould inſure them an Indemnity againſt any Proſecution whatſoever. The Malcontents, on the contrary, urge, that this Precaution of theirs, with Reſpect to Juries, was only to provide againſt the Artifices of the Court, and to ballance the Influence of the Bench; ever too prone to throw their Weight into the Royal Scale, at the Expence of the Subject. This, however, is certain; That the Court could not ſhew more Solliciitude to convict their Priſoners, than the Jury to bring them off. Thus Partiality encountered Partiality; Juſtice was out of the Queſtion: Every Charge was aggravated, or extenuated; and every Verdict juſtified and condemned, not as Reaſon, but Prejudice directed: And indifferent Perſons, if any ſuch could be found, were utterly at a Loſs for a Standard to fix their fluctuating Opinions. To apply all this to the Earl of* Shafteſbury: *His Name was no ſooner printed in the* Gazette, *with an Accuſation of Treaſon, than the whole Nation took Part for, or againſt him. Every Day produced it's Apology and* * *Invective: The*

* Of this latter kind, was a Paper called, *Articles againſt the Earl of* Shafteſbury: The Contents of which were as follow:

I. That he had imagined to compaſs and procure the Death of the King, the Subverſion of the Government, and the known Laws of the Land, by reducing this ancient *Monarchy* into a *Republic*.

II. That he uſed great Endeavours to poſſeſs the People, That his Majeſty was a *Papiſt*, and deſigned to introduce *Popery* and *Arbitrary Power*; and to that End had promoted ſeveral ſeditious and treaſonable Libels againſt his Majeſty's Perſon and Government, purpoſely to bring his Majeſty into an *Odium* and *Contempt* with his loving Subjects.

III. That he endeavoured to levy War againſt the King, both in *England* and *Ireland*, and bring Bloodſhed and Confuſion, upon his Majeſty's good People, under Pretence of proſecuting the *Popiſh* Plot, and preſerving the Proteſtant Religion, the Liberty and Property of the Subject, as he and his Confederates had done in the late Rebellion.

IV. That he endeavoured to render the *Church of England* as ridiculous as *Popery*, and defamed all his Majeſty's Officers, both by Land and Sea; and all others, who out of a due Senſe of Loyalty adhere to the Crown, ſtiling them *Tories*, *Tantivies*, *Maſqueraders*, &c. purpoſely to frighten them from their Duty, and wean them

The Court believed the Strength was on their Side; but were either afraid to make the Experiment, or lay in wait to re-inforce their Evidence: For his Lordſhip, at two ſeveral Seſſions, petitioned for a ſpeedy Trial, or to be admitted to Bail, without Effect. At laſt, however, on November 24, *the Affair was put in Train: For a Bill was laid againſt his Lordſhip, before the grand Jury of* Middleſex, *for High-Treaſon. The Witneſſes for the King were ſolemnly examined, in* open Court, *by expreſs Command, to all the Points alledged in it, but were re-examined by the Jury apart; and upon the Iſſue of all, the Bill was returned, with an* Ignoramus *indorſed on it; which ſo mortified the Court, that they proceeded no farther againſt him, but did not agree to his Diſcharge, till the 13th of* February *following. As to the Bill itſelf, it was, in ſhort, for intending and compaſſing the Death of the King: And for Overt-Acts, it was depoſed, that he had conſulted with one* Booth † *and others, to effect this Deſign;*

from their Sovereign, to adhere to him and his Faction.

V. That he countenanced, harboured, and hired Perſons to ſwear againſt the *Queen*, and his *Royal Highneſs*.

VI. That he procured ſeveral Sums of Money to be raiſed and collected to carry on theſe moſt abominable Deſigns.

And in the Cloſe of all it was ſaid, That the Serjeant at Arms, who apprehended his Lordſhip, deſiring him to eat ſomething, before he went out, his Lordſhip anſwered, *I have no Stomach to eat, unleſs I could get a roaſted* Iriſhman.

* *Booth* was a Man of Family, but of deſperate Circumſtances: The Streſs of his Evidence conſiſted in theſe Particulars: That he had been introduced to the Earl, by one Captain *Wilkinſon*, an old *Royaliſt*, in the preceding *January*: That he had been of a continual Club with him, ever ſince: That, in the Courſe of this Time, he had heard his Lordſhip inveigh ſharply againſt the Times, and diſcourſe of the dangerous Conſequences, likely to enſue, in Caſe of a Breach between the King and Parliament. That, in particular, his Lordſhip, judging it dangerous to go to *Oxford*, without a ſufficient Force to oppoſe the Guards, *&c.* provided a Troop of Fifty Perſons of Quality, to be commanded by *Wilkinſon*: That of theſe *Booth* himſelf was one: That he became ſo, at the Inſtance of *Wilkinſon*: That he bought himſelf a good Stone-Horſe, and Accoutrements, for the ſaid Service: That *Wilkinſon* was to furniſh his Man with a Horſe: That, in Caſe of the Breach abovementioned, or any Violence ſhould be offered to the Members, the ſaid Troop, in Concert with thoſe provided by other Lords, were to repel Force by Force: That the Guards were to be purged of Papiſts and Tories; and the Privy-Council of dangerous Perſons: That the King was to be brought to *London*: That ſuch other Meaſures were to be taken, as might ſecure the Nation from Popery, and arbitrary Power: That, on the *Thurſday* before the Diſſolution, *Wilkinſon* told him, he expected a Summons that very Week to go to *Oxford*, together with his Troop; and that the News of that Event, coming to Town on *Saturday*, nothing was done. Here he cloſed: But the King's Council obſerving, that this was rather a Depoſition againſt *Wilkinſon*, than the Earl, and aſking, whether he had never any Diſcourſe with his Lordſhip, after *Wilkinſon* had ſpoke to him, he recollected himſelf, and anſwered, That tho' the firſt Motion, concerning the Troop, came from the Captain, he had heard his Lordſhip in Perſon diſcourſe of it, at his own Houſe. Now is it probable, that this very Recollection, ſhocked his Credit with the Jury, as much as it ſtrengthened his Evidence: But this was not all: He had endeavoured to induce *Wilkinſon* alſo to turn Evidence: The Privy-Council had done the ſame: And even the King himſelf, had condeſcended to try the Force of Royal Eloquence upon him: Of all which the Captain publiſhed a Narrative. Beſides, the Diſſolution did not take Place 'till *Monday*; and was ſo much a Secret, even at *Oxford*, 'till the very Moment it took Place, by the joint

Design; and that he had made a Provision of armed Men, for that End. There was, indeed, but one Witness (Booth) *to these Overt-Acts: But then there were five more, who swore to many dangerous Expressions, which he had let fall, concerning his Majesty, the Ruin of the Monarchy, the Establishment of a Commonwealth,* &c. *and to make up Weight, was thrown in the* Association; *which is the Subject of the ensuing Paper, but not insisted on, as any direct Proofs against him; tho', afterwards, it was made the Subject of more Clamour than the Overt-Acts themselves, on which the Indictment was grounded.*

SIR,

YOU would have me give you the Sense of the Town, together with my own private Thoughts upon the Subject of your last. The *former* would be *tedious* and *extravagant*, in a Case where People, either through *Passion*, or *Interest*, are so extremely divided. And the *latter* (with Submission) would be as *unsafe*: But, I shall, however, gratify your Curiosity in as full, and as particular an Answer to the Sum of your Demands, as the Quality of the Matter in Question, and the Compass of a Letter will conveniently bear.

You are so far in the Right, as that the Paper you speak of, is said, by some, to be the *Project* of a *Bill* for an *Association*, and grounded upon the *Precedent* joint Evidence of all Parties, that it was impossible it should be known at *London* on *Thursday*; and in the celebrated *Answer* to the King's *Declaration*, by way of Reproach to the Court, it is said, That the Dutchess of *Mazarine* had better Intelligence, than the two Houses; because she published the News at *St. James*'s, many *Hours* before it took Place. And, lastly, whereas *Booth* swears, That he bought a Horse for the *Oxford* Expedition, and that *Wilkinson* was to have mounted his Man; the following Advertisement was published in a News-Paper, called *Janeway*'s *Intelligence*, N°. 65. the Week after he gave the Evidence.

'WHereas, upon *Thursday* last, an Indictment was preferred to the *Grand Jury*, at the *Old-Baily*, against the Right Honourable the Earl of *Shaftesbury*; and whereas Mr. *Booth* was produced as one of the Evidences, who swore in open Court, That Captain *Wilkinson* was engaged with the said Earl against his Majesty, and the Government, and that the said Captain was to command a Troop of Horse, to be mounted with Fifty Gentlemen, and that the said Mr. *Booth* had listed himself, as one of the Troop. Also the said Mr. *Booth* made Oath, that he had bought himself a good Stone-Horse, and other Accoutrements for the said Service, and Captain *Wilkinson* was to furnish his Man with a Horse.

This is therefore to give Notice, That if any one can make it appear, that Mr. *Booth* bought any such Horse, with his Marks and Colour, and who he bought him of, about *March* last, or that he had any such Horse within that Time, and what Stable he was kept at, shall have, upon good Proof made thereof to the said Captain *Wilkinson*, Five Guineas paid him for a Reward of his Pains.

Also if any Person can make appear, That the said Captain *Wilkinson* hath bought or had any Horse, Gelding, or Mare, for these two Years last past, or ever hath been upon the Back of any, for the same Space of Time, saving one Gelding, which he borrowed to ride to *Wickham*, when the Members of the last Parliament met at *Oxford*: Or that ever Captain *Wilkinson* hath been nearer *Oxford* these twenty Years, than the said Town of *Wickham*; upon Proof thereof, he shall have Five Guineas for his Reward.

HENRY WILKINSON.

Precedent of an *Association*, 27 *Eliz.* It is ſaid further, that it is no more than what was moved in the *laſt Weſtminſter-Parliament*; and only a *ſhort Draught*, or Scheme *of an* Aſſociation, *for a general Defence againſt a* Popiſh *King*. But, on the other Hand, It is cryed out againſt, as the *Inſtrument* of a *treaſonable Conſpiracy* againſt his *Majeſty*, and the *Government*, under the Countenance of a *Religious Aſſociation*.

Thus far, Sir, you are rightly informed, as to the Buſineſs of ordinary *Conjecture* and *Diſcourſe*; but your Intelligence afterwards runs a little too large, for the Paper was barely *found* in my Lord's Cloſet; and any Man may have Papers perhaps in his Poſſeſſion that he does not approve of. How far the Members of that Parliament (which is the next Point) will find themſelves concerned in Honour to ſearch farther into this Affair, I am not able to divine.

It will be both for your Eaſe and mine, to conſult and compare the Pieces themſelves, and to ſee how far this *late Draught* of *Aſſociation* agrees with the *Ends* and *Intent* of the *former*; and after that, to examine its *Conſiſtency* with *itſelf*. To which Purpoſe I ſhall (in their due Place) lay *both the Aſſociations* before you, with ſuch Notes upon, and concerning them, as may ſerve, in ſome meaſure, to explain the Matter in Hand; and therein I ſhall ſpeak to the ſeveral Points of your Letter, as they fall in my Way. The Words of the *former* are as follows:

The Paper which was * ſeized in the Earl of *Shaftesbury*'s Cloſet, by *Francis Gwin*, Eſquire, one of the Clerks of his Majeſty's Privy-Council, and read *November* 24, 1681, at the *Old Baily*, before his Majeſty's Commiſſioners of *Oyer* and *Terminer*.

1. WE the Knights, *&c.* finding, to the Grief of our Hearts, the *Popiſh* Prieſts and Jeſuits, with the *Papiſts*, and their *Adherents* and *Abettors*, have, for ſeveral Years laſt paſt, purſued a moſt pernicious and helliſh Plot, to root out the true *Proteſtant* Religion as a *peſtilent* Hereſy, to take away the Life of our gracious King, to ſubvert our Laws and Liberties, and to ſet up arbitrary Power and *Popery*.

2. And it being notorious that they have been highly encouraged by the Countenance and Protection given and procured for them by *James* Duke of *York*, and by their Expectations of his ſucceeding to the Crown, and that thro' crafty *Popiſh* Councils his Deſigns have ſo far prevailed, that he hath created many and great Dependents upon him, by his beſtowing Offices and Preferments both in Church and State.

3. It appearing alſo to us, that by his Influence *Mercenary Forces* have been levied and kept on Foot for his ſecret Deſigns, *contrary to our Laws*; the Officers thereof having been named and appointed by him, to the apparent Hazard

* In the Life of the Earl of *Shaftesbury*, 8vo. publiſhed in the Year 1683, Pag. 108, it is affirmed, That one Mr. *Wilſon*, a Gentleman in his Service, perhaps as Secretary, was entruſted to attend the Council when his Lordſhip's Papers were looked over, to indorſe thoſe detain'd, and take care of thoſe return'd; that this Paper was not indorſed as the reſt were, and that *Wilſon* himſelf was committed for High-Treaſon.

zard of his Majesty's Person, our Religion and Government, if the Danger had not been timely foreseen by several Parliaments, and Part of those Forces, with great Difficulty, caused by them to be disbanded at the Kingdom's great Expence: And it being evident, that notwithstanding all the continual Endeavours of the Parliament to deliver his Majesty from the Councils, and out of the Power of the said Duke, yet his Interest in the Ministers of State, and others, have been so prevalent, that *Parliaments* have been *unreasonably* prorogued, and dissolved when they have been in hot Pursuit of the *Popish* Conspiracies, and *ill Ministers of State*, their Assistants.

4. And that the said *Duke*, in order to reduce all into his own Power, hath procured the Garrisons, the Army and Ammunition, and all the Power of the Seas and Soldiery, and Lands belonging to these three Kingdoms, to be put into the Hands of *his Party* and *their Adherents*, even in Opposition to the Advice and Order of the last Parliament.

5. And as we, considering with heavy Hearts how greatly the Strength, Reputation, and Treasure of the Kingdom, both at Sea and Land, is wasted and consumed, and lost by the intricate, expensive Management of these wicked destructive Designs; and finding the same Counsels, after exemplary Justice upon some of the Conspirators, to be still pursued with the utmost deviliſh Malice, and Desire of Revenge; whereby his Majesty is in continual Hazard of being murdered, to make way for the said *Duke*'s Advancement to the Crown, and the whole Kingdom in such Case is destitute of all Security of their Religion, Laws, Estates and Liberty, sad Experience, in the Case of Queen *Mary*, having proved the wisest Laws to be of little Force to keep out *Popery* and Tyranny under a *Popish* Prince.

6. We have therefore endeavoured in a *Parliamentary way*, by a Bill for the Purpose, to bar and exclude the said *Duke* from the Succession to the Crown, and to banish him forever out of these Kingdoms of *England* and *Ireland*: But the first Means of the King and Kingdom's Safety being utterly rejected, and we left almost in Despair of obtaining any real and effectual Security, and knowing ourselves to be entrusted, to advise and act for the Preservation of his Majesty and the Kingdom, and being persuaded in our Consciences that the Dangers aforesaid are so eminent and pressing, that there ought to be no Delay of the best Means that are in our Power to secure the Kingdom against them, We have thought fit to propose to all true *Protestants* an Union amongst themselves, by solemn and sacred Promise of *mutual Defence* and *Assistance* in the Preservation of the true *Protestant* Religion, his Majesty's Person and Royal State, and our Laws, Liberties and Properties; and we hold it our bounden Duty to join ourselves for the same Intent, in a Declaration of our united Affections and Resolutions in the Form ensuing: *(That is to say, ensuing the Note, which here intervenes.)*

NOTE, That the Stile of the *First* Clause, in these Words, [*We the Knights*, &c.] imports an Act of the *Commons*, exclusive of the *Lords*; and *Rege Inconsulto*, the *Dread* and *Danger* of the *Popish Plot* is made the *Inducement* to it; the *Papists Adherents* and *Abettors* being ranged with the *Papists themselves*, and joined in the same Design of murdering the King, *&c.*

In the *Second* Clauſe, his Royal Highneſs falls under the ſame Accuſation, and the Government effectually put into his Hands, toward the gaining of his Ends. Now the Meaning of *Adherents* and *Abettors* is expounded by the Author of *Smith's Queries* upon the *Duke's Bill*, where he ſays, that [*the Pleaders for a* Popiſh Succeſſor *ought to be eſteem'd no other than* Betrayers *of their* King and Country, Renegado's *from their* Religion, *(if ever* Proteſtants *at all) and the* worſt of Papiſts, *and ſo to be dealt withal in City and Country.*] Here's an *Anathema* pronounced already againſt all Men under that Qualification; and the *invalidating of the King's Witneſſes* is one Condition of the Sentence, which does moſt expreſsly conclude all the *preſent Defamers* of the King's *Witneſſes* under *the ſame Condemnation.*

This way of expoſing the King's loyal Subjects of the *Engliſh* Communion, under the Notion of *Papiſts*, (or, in Truth, beyond them) and that not only in *libellous Papers*, but in ſome *Councils* alſo, is too notorious to need any Inſtances to confirm it. And what is the Drift of theſe Practices, but under a *general Scandal*, to *ſtigmatize* that Party that will not cloſe with the *Faction*, and to ſet them up as a Mark to the Fury of the *Rabble?* And this is only a *Preparatory* toward a greater Work that is to follow; and whoſoever is not wilfully blind, cannot but ſee the Deſign to be all of a Thread.

From this Averſion toward a ſort of People (in general) repreſented under ſuch a Character; the next Step is the *naming* of *particular Perſons*, the *diſcriminating* of *Parties*, the computing of *Numbers* and *Intereſts*; and ſo from *Liſting*, to paſs on into *Aſſociations* and *Levies*. Let not this be taken for a trivial Speculation upon the common Methods and Preliminaries to *Rebellion*; for I have heard, (and I do as firmly believe it, as a Man can believe any thing that he never ſaw) that there is extant a Calculation upon all the Counties of *England* and *Wales*, *alphabetically digeſted*; dividing the Men of Intereſt and Conſideration in each reſpective County, into *two Columns*, one againſt another; the *one* under the Title of *Worthy Men*, and the *other*, of Men *Worthy* (to be *hang'd*, that is) ranging the *Country Party* (as they call it) under the *former*, and the *Court Party* under the *other*; which appears (as I am aſſured) by the tranſporting of Names from one to the other, as any Man is found to change his Side and Opinion. By the Benefit of this Roll, 'tis not above a *Week* or *ten Days Work* to take a *Muſter* of the *Nation*; to *communicate Orders*; to know whom to *impeach*, and whom to *truſt*; and they that have *Money* ſhall never want *Evidence*. There is a wonderful Correſpondence betwixt the Tendency of *this Liſt* and the *Paper* of *Aſſociation*; betwixt the Dictates of the *factious Pamphlets*, and the Matter of *Fact* in *Evidence*; and it were little leſs than a *Miracle*, if all this ſhould come by Chance.

In the *Third* and *Fourth* Clauſes, the *King's Guards* are pronounced to be *contrary to Law*; the *Officers* choſen by the Duke, *ſubſervient* to his *Deſigns*, and *dangerous* to his Majeſty's *Perſon*, &c. The *King himſelf* charged with following *Popiſh Councils*, *unreaſonable Prorogations* and *Diſſolutions*, in Favour of *Popiſh Conſpirators* and *ill Miniſters of State*, their *Aſſiſtants*; the *Garriſons*, *Army*, and *Ammunition* in the Hands of the *Duke's Party*, and *their Adherents.*

It

It is not Work to amplify upon these *Falsehoods*, and *Slanders* in this Place; so that I shall proceed.

The *Fifth* Clauses deplores the sad Estate of the *King* and *Nation*, by reason of the same Counsel. And after this *Remonstrance* upon the whole Matter, [*we the Knights*, &c.] come to a Point, in that which follows: That is to say,

Sixthly, The *King* will not agree to *bar* and *exclude* the *Duke* in a *Parliamentary-way*; and therefore we will enter into a *League*, and invite the King's Subjects to *join* with us in a *Vow* of *Mutual Defence* and *Assistance* (in an *Unparliamentary-way*) to the Intent of a Declaration in the Form ensuing.

Now put all together, and the Sum of it, in short, is this. There's a *Plot* upon the *King's Life*, &c. The *Duke* is *in it*; and prefers *Ministers of State*, *Officers Civil* and *Military*, for his Purpose; *Prorogues* and *Dissolves Parliaments*, *Saves the* Popish *Lords*; makes the *King* a *Cypher*; and therefore since he will not agree to *Exclude* and *Banish his Brother* by Act of Parliament, [*we the Knights*, &c.] *will join with all* True Protestants *in a* Sacred Promise *to destroy* him, *and his* Adherents, *without Exception to his Majesty himself*, who, for refusing to *Exclude* his *Royal Brother*, is declared to be *one of the* Party. To what Ends, and Purposes, will be seen in the *Association itself*.]

The ASSOCIATION.

I *A. B.* Do in the Presence of *God* solemnly, Promise, Vow, and Protest to maintain and defend to the utmost of my Power, with my Person and Estate, the *True Protestant* Religion, against Popery and all Popish Superstition, Idolatry, or *Innovation*, and all those who do, or shall endeavour to spread or advance it within this Kingdom.

I will also, as far as in me lies, maintain and defend his Majesty's Royal Person and Estate; as also the Power and Privilege of Parliaments, the lawful Rights and Liberties of the Subject, against all Encroachments and Usurpation of Arbitrary Power whatsoever, and endeavour entirely to disband all such *Mercenary Forces* as, we have reason to believe, were raised to advance it, and are still kept up in and about the City of *London*, to the great Amaze and Terror of all the good People of the Land.

Moreover *James Duke* of *York*, having publicly professed and owned the *Popish* Religion, and notoriously given Life and Birth to the damnable and hellish Plots of the *Papists* against his Majesty's Person, the *Protestant* Religion, and the Government of this Kingdom; I will never consent that the said *James Duke* of *York*, or any other, who is or hath been a *Papist*, or *any Ways adhered* to the *Papists* in their wicked Designs, be admitted to the Succession of the Crown of *England*; but by all lawful Means and by Force of Arms, if need so require, according to my Abilities, will oppose him, and endeavour to *subdue*, *expel* and *destroy* him if he come into *England*, or the Dominions thereof; and seek by Force to set up his pretended Title, and all *such as shall Adhere unto him*, or raise any War, Tumult, or Sedition for him, or by his Command, as public Enemies of our Laws, Religion and Country.

To this End we, and every one of us, whose Hands are here under-written, do most willingly bind ourselves, and every one of us, unto the other, jointly and severally, in the Bond of one firm and loyal Society or Association, and do promise and vow before *God*, That with our joint and particular Forces we will *oppose* and *pursue* unto *Destruction* all such, as upon *any Title whatsoever* shall oppose the just and righteous Ends of this Association, and maintain, protect, and defend all such as shall enter into it in the just Performance of the true Intent and Meaning of it. And, lest this *just and pious Work* should be any Ways obstructed or hindered for want of Discipline and Conduct, or any evil-minded Persons under Pretence of raising Forces for the Service of this Association, should attempt or commit Disorders, we will follow such Orders as we shall from Time to Time receive from *this present Parliament*, whilst it shall be *sitting*, or the major Part of the Members of both Houses subscribing this Association, when it shall be *prorogued* or *dissolved*; and obey such Officers as shall by them be set over us in the several Countries, Cities, and Boroughs until the next Meeting of this or another Parliament, and will then shew the same Obedience and Submission unto it, and those who shall be of it.

Neither will we, for any Respect of *Persons* or *Causes*, or for Fear, or Reward, separate ourselves from this Association, or fail in Prosecution thereof during our Lives, upon the Pain of being by the rest of us prosecuted, and suppressed as perjured Persons, and public Enemies to *God*, the King, and our Native Country.

To which Pains and Punishments we do voluntarily submit ourselves, and every one of us, without Benefit of any Colour or Pretence to excuse us.

In Witness of all which Premises to be inviolably kept, we do to this present Writing put our Hands and Seals, and shall be most ready to accept and admit any others hereafter, into this Society and Association.

THIS Form of *Association* is only the *Covenant Revived*, with the *same Licence*, *Limitations*, *Reserves*, and *Equivocations*, and to the very *same End and Purpose*: And all *Schismatics*, and *Heretics* whatsoever, are *Taken*, and *Invited* into the *Combination*, under the Colour of preserving the *True Protestant Religion* (the *Papists* only excepted.) The *Guards* to be *disbanded*, as *illegal*; his *Royal Highness* to be *expelled* or *deposed*; and all his *Adherents* (even the *King himself*) to be *destroyed by Force of Arms*: That is to say, the *King* is to be allowed *no other Ministers*, *Magistrates*, *Officers*, but what the *Associates* shall vouchsafe to afford him, and he himself likewise upon his *good Behaviour*, under the Pain of an immediate *Insurrection*, *Tumult*, and *Revolt*.

Being engaged by this *Vow*, *Promise*, *Protestation*, (or to what else you please) to a *downright Rebellion*, (unless the King will deliver up his *Crown* without striking a *Stroke* for it) the Oath is carried *on*, even to the *Manner*, and *Method*, by which the Nation is to be governed, after such Violence acted upon the Person, and Authority of the King: And this Confederacy is extended even to the devolving of the *Sovereign Power* upon the House of *Commons*, *Sitting the Parliament*; and upon the *major Part of the Members of both Houses*, *subscribing this Association*, after the *Prorogation* or *Dissolution* thereof: And they never

never to recede, upon any Consideration whatsoever. So that here's a *King deposed*, a *Monarchy destroyed*; a *Commonwealth erected*; a *Free People enslaved*; and all in a Trice, by the help of this *pious Union* if ever it should come to take Effect: And in Conclusion the *Supreme Power Vested* in the *Two Houses* to *Perpetuity*. This is the fairest Construction that can be made on it, for tho' the Paper calls it the *present Parliament*, in a *Compliment*, it is only the *House of Commons*, in *Effect*.

Now look back upon the whole, and take Notice how frivolous all those Colours, and *Pretensions* are, that have been produced, either in *Favour* or *Excuse* of this *Paper*. [*We the Knights*] *do declare, and Swear, that what we cannot compass in a* Parliamentary-way, *We will endeavour to bring about by Force of* Arms. Here's the very Constitution of *Parliaments* overthrown at a Dash: And pursuant to this Resolution, so many Members that were chosen, and entrusted to serve their Countries, and (as much as in them lay) to uphold and maintain the Laws of the Land, and the Liberties of the People, have now propounded to set up themselves by this Project, without either *King* or *House of Lords*; as a *Standing Committee*, and to exercise an *Arbitrary Power* over their *Fellow-Subjects*, to the Subversion of the *Common Rights*, and in Defiance of the *Fundamental Privileges* of *King*, *Parliaments*, and *People*. So much for the *pretended Project* of a *Bill*.

Now to this *Scheme of an Association for a Defence against a* Popish *King*. The Paper begins with Exclamations against a *Popish Plot*, and concludes in *an Oath of Conspiracy against a Protestant Prince*. It *begins* with a pretended Tenderness for *Religion*, and *ends* in a *peremptory Sentence* and *Determination* of *State*. For *fear* of a *Popish King*, here's a *certain* Provision that we shall have *no King at all*; and under Pretext of *opposing* an *Arbitary Power* in the *Crown*, here's an Expedient offered (as for the Avoidance of it) by *swearing Allegiance* to the *unlimited Will* and *Pleasure* of a *Committee of Disbanded Members* of our own *Fellow-Subjects*.

But this is no more, they say, than was propounded, and debated in the House of *Commons*. There was an *Address* of the Commons (it is true) bearing Date *May* 10, 1679. [*That his Majesty would be graciously pleased to give Order for raising the* Militia, *and keeping it for some certain Time*,] and the Lords were afterwards reminded of it: To which (as I remember) his Majesty's Answer was, That *he would not part with it, so much as for an Hour*; but here was no *Associating* to take Possession of it by *Force*, in case it should be refused.

It is true likewise, that the *Commons*, *December* 15, 1680, *passed a Vote that a Bill should be brought in for an* Association *of all his Majesty's* Protestant Subjects, *&c.* And that upon the *One and Twentieth* of the same Month, they presented an *Address* to the King, desiring therein, *That his Majesty would be graciously pleased to assent to an Act, whereby his Majesty's* Protestant Subjects *might be* enabled *to* Associate *themselves for the Defence of his* Person, *&c.* Which very Word [*enabled*] imports a *Concession*, and *Acknowledgment* tha without the King's passing such a Bill, they had no Right to Authorise such a Combination.

But

But that which has misled People into a Mistake, so derogatory to the Honour of the *House of Commons*, I presume may be this. There were several Questions put by the *Foreman of the Jury*; first to Mr. *Gwin*, and afterwards to Mr. *Secretary Jenkins*, that carried some sort of Countenance, as if *This Association* had been *debated*, and *This very Paper*, *read* in the *House of Commons*. It is a short Passage and I will recite it, as you will find it in the *Printed Proceedings*, Page 34.

Foreman. Do not you know, Sir, there was a Discourse in the *Parliament* of an *Association?*

Mr. *Gwin.* Sir, I was not of the last Parliament, I know nothing of it.

Foreman. You have not heard then that there was such a Thing in Parliament concerning an *Association?*

Mr. *Gwin.* I have heard of an *Association* talked of.

Foreman. Mr. *Secretary*, I would ask you some Questions, if you did not know of a Debate in Parliament of an *Association?*

Mr. *Secretary.* I was not present at the Debate; but there was a Talk in Town of an *Association.*

Foreman. Did not you hear of it in Parliament?

Mr. *Secretary.* Indeed, there was an Answer to a Message from the *House of Commons*, that had something in it, did strongly imply an *Association*; but, *This particular Association* I do not remember to have heard proposed.

Foreman. Do not you remember in the *House of Commons*, Sir, it was read, upon Occasion of that Bill?

Mr. *Secretary.* I heard such a Thing spoken of; but at the reading of it I was not present, to the best of my Remembrance.

I know nothing to the contrary, but that the *Form* of this *Vow* and *Protestation* (meaning the *three first Clauses* of it) might possibly be read in the *House*; but to imagine, that the *Honourable House of Commons*, would ever have endured the starting of a Project to over-turn the very *Foundations* of *Government*, were to do them the greatest Indignity in the World. The late Usurpers themselves were half through the Rebellion, before they arrived at that Degree of Boldness. If any Man should interpret these *glancing Interrogatories* in such Manner as to take this Project for an Act of the House; the *Jesuits* themselves could not have done the *Popish Plot* a greater Piece of Service, than the promoting of such an Error as might create a Jealousy of *Treason* within those Walls: But on the other Side there may be *Scandals taken* as well as *given.*

If it were not for tiring of you out, I could shew ye the *Originals*, both of this *Draught* and *Design*, and Trace the very *Footsteps* of our *Reforming Hero's*, from his Majesty's most *Dutiful and Loyal Subjects* with their Outcries of *Plots* and *Popery*, and *Eyes and Hands lifted up unto the Lord in a* Holy Covenant; to the *severing of his Majesty's Sacred Head from his Body*, upon a *Scaffold*; but it is too copious a Theme, and there needs no more then dipping any where in the Records of the late Times to finish the *Parallel.*

There remains yet another Abuse to be cleared, wherein they impose upon the People, that *this Association* is founded upon the *same Grounds* and *Considerations*

rations with that of the 27th of the *Queen*. You will better judge whether it be ſo or no, upon a View of the *Inſtrument* itſelf, and ſome few Remarks thereupon.

The INSTRUMENT, or WRITING of *ASSOCIATION*, that the *PROTESTANTS* of *ENGLAND* entered into, 27 *Eliz.*

"FORASMUCH as Almighty *God* hath ordained *Kings*, *Queens*, and *Princes*, to have Dominion and Rule over all their Subjects, and to preſerve them in the Poſſeſſion and Obſervation of the true *Chriſtian* Religion, according to his Holy Word and Commandment: And in like Sort, that all Subjects ſhould *Love*, *Fear*, and *Obey* their Sovereign Princes, being *Kings* or *Queens*, to the utmoſt of their Power; at all Times to withſtand, purſue, and ſuppreſs all manner of Perſons that ſhall by any Means intend and attempt any Thing dangerous or hurtful to the Honour, States, or Perſons of their Sovereigns:

Therefore, we whoſe Names are, or ſhall be ſubſcribed to this Writing, *being natural born Subjects of this Realm of England*, and having ſo gracious a Lady, our Sovereign *Elizabeth*, by the Ordinance of *God*, our moſt rightful Queen, reigning over us theſe many Years with great Felicity to our ineſtimable Comfort: And finding lately by diverſe *Depoſitions*, *Confeſſions*, and ſundry *Advertiſements out of Foreign Parts from credible Perſons*, well known to her *Majeſty's Council* and to diverſe others; that for the Furtherance and Advancement of ſome pretended Title to the Crown, it hath been manifeſted that the *Life* of our gracious Sovereign Lady Queen *Elizabeth*, hath been moſt dangerouſly expoſed to the Peril of her Perſon, if Almighty *God*, her perpetual Defender, of his Mercy had not revealed and withſtood the ſame; by whoſe Life, we and all other her Majeſty's true and loyal Subjects, do enjoy an ineſtimable Benefit of Peace in this Land; do for the Reaſons and Cauſes before alledged, not only acknowledge ourſelves moſt juſtly bound with our Lives and Goods for her Defence, in her Safety, to perſecute, ſuppreſs, and withſtand all ſuch Intenders and all other her Enemies, of what Nation, Condition, and Degree whatſoever they ſhall be, or by what Counſel or Title, they ſhall pretend to be her Enemies, or to attempt any Harm upon her Perſon; but do further think it our bounden Duties, for the great Benefit of Peace and Wealth, and Godly Government, we have more plentifully received theſe many Years, under her Majeſty's Government, than any of our Forefathers have done in any longer Time of any other her Progenitors, Kings of this Realm,

To declare, and by this Writing make manifeſt, our bounden Duties to our ſaid Sovereign Lady for her Safety. "And to that End, we, and every of us, firſt calling to Witneſs the Name of Almighty *God*, do voluntarily and moſt willingly bind ourſelves, and every one of us to the other, jointly and ſeverally in the Band of one firm and loyal Society: And do hereby vow and promiſe by the MAJESTY OF ALMIGHTY GOD, That with our whole Powers, Bodies, Lives and Goods, and with our Children and Servants, we, and every of us, will faithfully ſerve, and humbly obey our ſaid Sovereign Lady Queen *Elizabeth*, againſt all States, Dignities, and earthly Powers whatſoever; and will, as well

well with our joint and particular Forces during our Lives withſtand, offend, and purſue, as well by Force of Arms, as by all other Means of Revenge, all manner of Perſons of what State ſoever they ſhall be, and their Abettors, that ſhall attempt any Act, Counſel, or Conſent to any Thing that ſhall tend to the harm of her Majeſty's Royal Perſon, and will never deſiſt from all manner of forcible Purſuit againſt ſuch Perſons, to the uttter Extermination of them, their Counſellors, Aiders, and Abettors.

And if any ſuch wicked Attempt againſt her moſt Royal Perſon, ſhall be taken in Hand and procured, whereby any that have, may, or ſhall pretend Title to come to this Crown, by the untimely Death of her Majeſty ſo wickedly procured (which *God* for his Mercy Sake forbid) may be avenged; We do not only bind ourſelves both jointly and ſeverally never to allow, accept, or favour any ſuch pretended Succeſſor, by whom, or for whom any ſuch deteſtable Act ſhall be attempted or committed, as unworthy of all Government in any *Chriſtian* Realm or Civil State:

But do alſo further vow and proteſt, as we are moſt bound, and that in the *Preſence of the eternal and everlaſting God*, to proſecute ſuch Perſon and Perſons to Death, with our joint or particular Forces, and to act the utmoſt Revenge upon them, that by any Means we or any of us can deviſe and do, or cauſe to be deviſed and done for their utter Overthrow and Extirpation.

And to the better *Corroboration* of this our *loyal Band and Aſſociation*, we do alſo teſtify by this Writing, that we do confirm the Contents hereof by our *Oaths* corporally taken upon the *Holy Evangeliſt*, with this expreſs Condition; that no one of us ſhall for any Reſpect of *Perſons* or *Cauſes*, or for *Fear* or *Reward*, ſeparate ourſelves from this *Aſſociation*, or fail in the Proſecution thereof, *during our Lives*, upon Pain of being by the reſt of us proſecuted, *and ſuppreſſed as perjured Perſons, and public Enemies to God, our Queen, and to our native Country:* To which Puniſhment and Pains we do voluntarily ſubmit ourſelves, and every of us, without Benefit of any Colour and Pretence.

In Witneſs of all which Promiſes to be inviolably kept, we do to this Writing put our Hands and Seals; and ſhall be moſt ready to accept and admit any others hereafter, to this Society and Aſſociation."

You may now be pleaſed to compare *this Aſſociation* with the *other*, which pretends (effectually) to write after *this Copy*. You have in *this*, an *ample* and a *ſolemn Acknowledgment* of *Sovereign Power* in the *Queen*, and *indiſpenſible Obedience* in the *Subject*. But in the *other* not only a *Diſclaimer* of the *King's Authority*, and the *Subjects Duty*, (unleſs his Majeſty will comply with whatſoever his People ſhall impoſe upon him) but a *Total Abdication* of his *Imperial Power*; and a *Vow* of *Conſpiracy* to oppoſe him by *Force*; and ſet up an inconſiderable Part of the People, *Maſters* of the *Government*.

You have *here* an *Aſſociation* to *defend* the *Queen* againſt any *Pretender* whatſoever upon a *falſe Title*. The *other* is a *Conſpiracy* for the Deſtruction, even of the *preſent King*, becauſe he will not conſent to the *diſpoſſeſſing* his *Brother* of a *juſt*, and *legal Title*, both before *God* and *Man*. *This Engagement* extends only to a *remote Proſpect* of Injury to the Crown, with a Reſolution to employ *Violence* when the *Occaſion requires* it, and not before; but the *other* is a *Confederacy* to offer Violence to the *Crown* themſelves; and to *embroil* the *Nation*

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is a*bwith* in a *Civil War*, upon a *pretended Fear* of Danger at a *Diſtance*. This *Combination* againſt the *Queen's Enemies*, *with* her *Royal Approbation* and *Conſent*. The *other* is a *Confederacy* againſt the *King's Brother* and his *Friend*, and againſt his Majeſty's *Approbation* and *Conſent*. The *one* (in ſhort) is for a *Submiſſion* to a *lawful Authority*; the *other* for the *final* and *irreparable Extirpation* of it. To conclude; whoever lays both Ends together of this *late Aſſociation*, will find, that it *begins* in the Name of *God*, for the *Preſervation* of *Religion*, and *ends* in the *Devil's Name* with the *Total Extinction* of *King* and *Government*.

A modeſt VINDICATION of the Earl of *SHAFTESBURY*: In a Letter to a FRIEND concerning his being Elected King of *POLAND*.

[*The ironical Vein which runs thro' this Piece, was afterwards adopted in certain Rhimes, which are ſtill extant in the State Poems*, VOL. II. *under the Title of*, The laſt Will and Teſtament *of* Anthony *King of* Poland.]

AT a Time when the Eyes of all *Europe* are directed towards the Event of our preſent Affairs; at ſuch a Time as this, when the Ballance of our public Safety ſeems ſo equally pois'd, that it is hard to gueſs in which Scale lies our Happineſs, or Ruin, I think it my Duty, as an honeſt Man, a true Subject to the Government I live under, and a Friend to Truth, to give you (ſince you ſo earneſtly have requeſted it) my juſt and impartial Sentiments of our preſent Condition, as it particularly relates to the Lord of *Shaftesbury*, now under Confinement in the *Tower*.

This great Man, (I cannot but call him ſo) this immediate firſt Mover (as ſome would have it) of all the dreadful Revolutions that, perhaps, of late Years have ſeem'd to threaten us, will nevertheleſs appear to you, by the following Relation which I am to give you of him, a Man as very extraordinary in his Abilities, ſo no leſs wonderful for his Virtue; not to mention his unſhaken Obedience to every Government he has been concerned in, or lived under; his ſteady Adherence to every Religion that had but hopes to be eſtabliſhed; his unwearied Endeavours for the Reſtoration of the public Peace, in the Time of our late unhappy Troubles; his admirable Counſels all along, for the Improvement of the Common Good of the Kingdom, the Honour and Safety of the Monarchy, the Succeſs of our Arms, and the Overthrow of our Enemies.

His Obedience to the Government is ſufficiently evident, inſomuch, that That never chang'd, but He did: His Endeavours for public Peace are eminently notorious: For in the late Civil War (in ſpight of all Obligations of Honour and Loyalty to the contrary) he forſook the King, and carry'd over his Regiment to the Parliament, on Purpoſe (as much as in him lay) to weaken the Royal Cauſe, and by

the Ruin of that, to bring that War to an End, that no more Rebel Blood might be ſhed, though the great *Martyr*'s Veins were drained afterwards without Mercy.

So much he *then* acted for Public Peace: But what he has adviſed for public Good would fill a Volume up. Who can enough commemorate the ſhutting up of the *Exchequer*, to put the King out of Debt? The Breaking of the Triple League, to prevent the Growth of *France*; the dividing of the Fleet that we might be ſure to beat the *Dutch*, though in the End it coſt us a Victory; yet certainly his Meaning and Foreſight in it, was to preſerve the Shipping, and the tender Lives of the Subject?

Then for the Honour and Safety of the Monarchy; none ſo ſincere, ſo ſteady and ſo faithful as he has been; for the Honour of the King, witneſs his late Speech in Parliament, afterwards printed, and burned by the Common-Hangman; and for the Safety of the King, witneſs the Cauſe of his preſent Impriſonment: But for the public Safety, what Honours he has deſpiſed, what Promotions neglected, will appear in the following Relation, which certainly the World will never queſtion the Truth of, ſince the main of it has been taken from his own Mouth, that perfect *Index* of his Heart, and Oracle of Truth.

In a late Paper, printed for the Vindication of this matchleſs Patriot, the Reader will find many and extraordinary Inſtances of Preferments and Honours, which this Noble Peer has waved and refuſed, rather than ſuffer himſelf to be bribed from the Intereſt of the common Good: But what he has merely loſt in tender Pity and Compaſſion to this poor Kingdom of *England*, and it's true Proteſtant Religion, ought to be remembered, as long as there is a Scepter ſwayed in *Poland*, of the *Turk* unconverted.

I ſuppoſe there are very few in this Kingdom that do not very ſenſibly remember the late *Inter-regnum* in *Poland*, and how many illuſtrious *Candidates* ſtood fair for the *Election*: *Sobieſki* indeed had done great Things for that People; he had kept their potent Enemy, the *Turk*, from entering any farther upon their Frontiers; was great and popular in the Eſteem and Love of the beſt Army, that perhaps they ever had; but that was by much too little to entitle him to the Succeſſion on the Throne; it appearing abſolutely the Intereſt of that Nation, that the great *Turk* was not only to be beaten, but he muſt in ſhort alſo be *converted*: And who ſo fit for ſuch an Enterprize, as he that next ſhould be promoted to the Regal Authority? One that from the high Place he was to poſſeſs, might not only adminiſter Juſtice to *them*, but *Salvation* to the greateſt Part of *Aſia*.

To find out ſuch a Spirit, one fit for ſo great and extraordinary an Undertaking, you may imagine the wiſe Diet omitted no Diligence: The Conſtitutions of all the Governments in *Europe* were looked into, as they ſtood qualified both in Church and State: And whence was it ſo proper to expect a Law-giver, ſuch an Oracle, as they then wanted, but from the beſt modelled Government, and beſt diſciplined Church in the World? Therefore, upon ſtrict Enquiry, *France* appearing too deſpotic, *Spain* too uncertain and irregular, *Holland* abſolutely Anti-monarchical, and few or no Cheeſe-mongers in it fit to make a Monarch of, *Germany* too near them; and that if once they ventured upon a King from thence

thence, the Emperor, upon every like Occasion, might be imposing one *Threadbare* Prince or other upon them to ease his own People: For you must note, that in *Germany*, Princes are quartered upon Provinces, as Regiments were in *England* upon Corporations, in the Time of Rebellion, and are indeed the great Grievance of the Country.

Upon these Considerations, you may imagine, quickly the Eyes of the whole Diet were cast upon little *England*; and there, upon whom so soon as the little Lord of *Shaftesbury? Polish* Deputies were immediately sent Post *incognito*, with the Imperial Crown and Scepter in a Cloak-bag to him. Old * *Blood* smelt it from *Bishopsgate-street*, where they alighted, to his Lodging; and had it not been for an old Acquaintance, and ancient Friendship between King *Anthony* the Elect, (for now I must call him so) and himself, I am credibly informed, he had laid an Ambush for it at the *Cock* Alehouse by *Temple-Bar*, where some thirty indigent Bullies were eating stuffed Beef, *Helter Skelter*, at his Charge, on purpose to stand by, and assist him in carrying off the Booty.

But Heaven (which, I hope, has ordained, That no Crown shall ever suffer Damage for King *Anthony*'s Sake) took Care to preserve this: For the sinister Designs of the old *Irish* Crown-monger being yet to be doubted, this prudent Prince (as I am told) having tryed and fitted it to his Head, carefully sent it back again by a trusty Messenger, concealed in the Hulk or Shell of a *Holland* Cheese, taken asunder merely for that Purpose, and cemented together again by an Art, fit for no Man to know, but a King presumptive of *Poland*.

All things thus prepared; his Election being carryed in the Diet so unanimously and so *nemine contradicente*, that no Man to this Hour ever heard of it but himself; it is not to be imagined how this little *Grigg* was transported with the Thoughts of growing into a *Leviathan*; he fancied himself the Picture before *Hobb*'s Commonwealth already; nay, he stopt up his † *Tap* (as I am told) on purpose that his Dropsy might swell him big enough for his Majesty, and of a sudden grew so utter an Enemy to all Republics and Antimonarchical Constitutions, that from that Hour he premeditated, and laid the Foundation of a worse Speech, than that famous one, which he uttered once in our *English* Senate, entituled *Delenda est Carthago*.

But now, upon deliberate and weighty Consideration of the great Charge he was to undertake, many Difficulties and of an extraordinary Nature seemed to arise. A Protestant King being elected to a Popish Kingdom, great were the Debates within himself, which way he was to steer his Course in the Administration of his Government, so as to discharge his Conscience, as well in Respect of the Case incumbent upon him of the Souls of his People, as of the Protection of their Properties and Persons.

* Famous for stealing the Crown out of the *Tower*, and many other similar Exploits.

† This Conceit of the TAP is explained by the Writer of Lord *Shaftesbury*'s Life, in this manner, "When he was sent by the Convention to *Holland*, as one of their Commissioners, to invite Home the King; he was overthrown in a Carravan, and received a dangerous Bruise between the Ribs: This, in Process of Time, produced an Ulcer, and laid him under a Necessity to have his Side opened, which was done in the Year 1672, while he was yet Chancellor, with so much Hazard, and so much Success, that it was esteemed one of the greatest Cures, that ever was performed."

The *Great Turk*, you have heard before, was to be converted. Now to bring ſo mighty a Potentate over to the Church of *Rome*, ſeem'd utterly deſtructive of the *Proteſtant* Intereſt, which he has always been ſo violent a Champion for; therefore it is reſolved, *Proteſtant*, (and *True Proteſtant*) the *Ottoman* Emperor muſt be, or nothing. But how (when that was done) to eſtabliſh the ſame Church in his own Dominions? There was the great Queſtion. Whereupon, after due Conſideration, he reſolved, at his taking Poſſeſſion of that Throne, which ſtood gaping for him, to carry over from hence ſuch Miniſters, both of Church and State, as might be proper to adviſe, aſſiſt, and ſupport him, in a Deſign ſo pious, though ſo difficult.

Immediately therefore he proceeds to the Drawing a Scheme of the whole Miniſtry of his Government; and in a large Scrowl, whereon was indorſed, in Text Letters, this magnificent Title; *Arcana Imperii* Polonienſis *ſub Regno Auguſtiſſimi Principis* Anthonileſki Aſhleiſki *primi Dei Gratia iſtius Populi Regis*, &c. was contained a Liſt of all the great Officers of the Crown, and of his Houſhold, which (according to the beſt Light I could get into the Matter) was as follows:

* Seignioro *Roberto Howardenſko*,	Our Chancellor.
——— *Eſkricſki*,	Our Treaſurer.
Slabberigund Kentelaus, *Tarſallan Huntingtonierkew*, *Jalouxien Greyoſki*, *Whiggund Arronowitz*,	Privy Councellors, and Lords of our Bed-Chamber.
Loyallin Mordantaiko,	Admiral of our Fleet, at preſent under an Embargo.
Braggardo Maclesfeildowſki, *and his two Sons*,	Generals of our Army.
Thomazo Armſtrongeyland,	Captain of a Troop of tolerated Banditti, to raiſe arbitrary Contributions.
Seigniori *Newportoſki*,	Comptroller of our Houſhold, and Maſter of our Ceremonies, to ſhew his Civility on one Hand, and his Juſtice on the other.
Fidelio Porterewſki,	Firſt Groom of our Bed-Chamber, tho' we ſuſpect him for little better than a Spy to the Pope.
Richaiſki Coolaiſki, and his Friend *Williſko Herbertenſko*,	Secretaries of State.
Tom Merrayo,	Clerk of the Council.
Suffolkin Feltonaiko, *Griffinceper*, ſurnamed *the Clown*,	Maſters of the Horſe and Dog-whippers by Turns.
Boobyan Bridgeſmund, *Slowchero Poſlenowitz*,	Conceal'd Politicians and Counſellors, under the Character and Livery of our Chair-men.

Don

* Perſons ſuppoſed to be of the *Shafisbury* Faction, and whoſe Names for the moſt Part are too ſignificantly indicated to need any Explanation

Don *Stephano Volponieſter*,	Another under the Diſguiſe of a Footman, but deſigned Paymaſter of our Army.
Prince *Prettyman Perkinoſki*,	Our adopted Heir, becauſe a little wiſer than our own Son, and deſigned to be offered to the Dyet for our Succeſſor; his preſent Employment (together with the Aſſiſtance of the Princeſs his Siſter) is, to cure the *Plica*, or *King's Evil* of this Country, in caſe our own Majeſty ſhould fail of that Virtue.
Slingibeſki Betheliſki,	Chief Headſman of *Warſaw*.
Franciſco Turnſpitanſki,	Eſquire of our Body, in caſe he will promiſe, not to ſell his Place.
The Valiant *Ruſſillaus*,	Captain of our Guards, and Knight of the Halter, a new Order to be inſtituted at our Coronation.
Cappellanoff le Grandi,	Intended Vice-Roy of the firſt Kingdom our General ſhall conquer.
Madona la bella Croſteſia, *Poultneyinda la Pruda*,	Lady Abbeſſes for two *Proteſtant* Nunneries, to be eſtabliſhed for the Uſe of us and our Miniſters.
Everardo Fitz-heneriſko,	To write Libels againſt us by our own Conſent, to bring us into Favour with our People.
Jean Drydenurtzitz,	Our Poet Laureat, for writing Panegyrics upon *Oliver Cromwel*, and Libels againſt his preſent Maſter King *Charles* II. of *England*.
Tom Shadworiſki,	His Deputy.
Sodomito Fanſhawiſki,	Deſigned our Ambaſſador to the Grand Seignior, with a Preſent of *Proteſtant* handſome Boys in order to his Converſion.

This was the beſt Account I could poſſibly get of the Matter. There were indeed a great many more nominated to Offices and Preferments, but, not being able to gain a perfect Catalogue of them, I have contented myſelf with barely a Recital of ſuch Things, as upon my own Knowledge, I dare recommend to the World for Truth; and that, to the beſt of my Remembrance, I have exactly obſerved in the foregoing Relation.

But in the very Height of all this Expectation, one Night, as his Majeſty Elect lay muſing in his Bed, reſtleſs with the Thoughts and Expectation of the approaching Empire, there appeared to him, by the Light of a Lamp that was burning in his Chamber, a dreadful and moſt monſtrous Viſion; the Shape and Figure of it was very confuſed and irregular; ſometimes it looked like the Whore of *Babylon*, naked, and of immenſe Privities: Preſently, in the twink-

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ling of an Eye, the Form was changed, and it appeared like a *Juſtice of Peace*, ſtrangled by a Crew of Ruffians, who afterwards ran him thorough the Body with his own *Sword*, that it might be thought he hanged himſelf: Of a ſudden it was alter'd again, and ſeemed a Troop of † *Pilgrims*, armed with *Black-Bills*, that came from the Lord knows *whence*, landed the Lord knows *where*, and are gone the Lord knows *whither*. His Majeſty ſeeing it vary ſo often, and ſo terribly, (calling up all the Faith he had to his Aſſiſtance) boldly demanded, *In the Name of*, &c. *what art thou?* Inſtantly, after a terrible Clap of Thunder, attended with ſeveral Flaſhes of Lightning, it contracted itſelf into the Shape of a Doctor of *Salamanca*, and in an hideous Tone cried out, *I am a PLOT*; *Woe to* England; *Farewell till* 78, and vaniſhed. No ſooner was it gone, but a ſtupid Amazement ſeized upon the Majeſty of *Poland*, and caſt him into a deep Sleep, where he lay till Morning; when, awakening, he found himſelf ſtript of all the high and aſpiring Thoughts that before had filled his Mind; Pity and Compaſſion towards his native Country utterly cooled his Ambition; and from that Moment he laid by all Thoughts of converting the *Turk*, and reſolved to ſtay at home for the confounding the *Pope*.

Thus has this good Man (for now he is no more his Majeſty) again refuſed the greateſt Promotion that perhaps any Subject of *England* was ever raiſed to, merely to ſtand in a Gap here, and ſtay the Plague that was coming upon us.

Sir, what Juſtification of him may be gathered from the Truth of this, and his preſent Condition, I leave to your better Judgment, and ſubſcribe myſelf

Your humble Servant, &c.

† See *Oates*'s Diſcoveries of the *Popiſh* Plot.

The firſt PAPER, or MEMORIAL of Sir *WILLIAM CECIL* (afterwards Lord *BURLEIGH*, and Lord HIGH TREASURER of *ENGLAND*) Anno Primo *ELIZ.*

Out of the COTTONIAN LIBRARY.

I. TO conſider the Proclamation; to proclaim it; to ſend the ſame to all manner of Places and Sheriffs with Speed; and to put it in Print.

II. To prepare the *Tower*, to appoint the Cuſtody thereof to truſty Perſons; and to write to all the Keepers of Forts and Caſtles in the Queen's Name.

III. To conſider for removing the Queen to the *Tower*, there to ſettle her Officers and Council.

IV.

IV. To make a Stay of Paſſage to all the Ports until a certain Day; and to conſider the Safety of all Places, dangerous, towards *France* and *Scotland*, eſpecially in this Change.

V. To ſend ſpecial Meſſengers to the *Pope*, *Emperor*, the Kings of *Spain*, and *Denmark*, and to the States of *Venice*.

VI. To ſend a new Commiſſion to the Earl of *Arundel* and the Biſhop of *Ely*; and to ſend one into *Ireland*, with a new Commiſſion; and Letters under the Queen's Hand to all Ambaſſadors, with ſpecial Promiſes to authoriſe their Service.

VII. To appoint Commiſſioners for the Interment of the late Queen.

VIII. To appoint Commiſſioners for the Coronation, and the Day.

IX. To make a Continuance of the Term, with Patents to the Chief-Juſtices, to the Lord-Treaſuer, Juſtices of each Bench, Barons, and Maſter of the Rolls, with Inhibition, *quod non conferant aliquod officium.*

X. To appoint new Sheriffs and Juſtices of Peace, or continue the old by a Proclamation ſent to the Quorum.

XI. To inhibit by Proclamation, the making over any Money by *Exchange*, without Knowledge given to the Queen's Majeſty, and charge all manner of Perſons that either have made any, or have been privy to any Exchange made, by the Space of one Month, before the 17th of this Month.

XII. To conſider the *Condition* of the Preacher at *Paul's Croſs*, that no Occaſion be given to him, to ſtir any Diſpute touching the Governance of the Realm.

A DECLARATION from his MAJESTY the KING of *SCOTS*.

Alſo a LETTER to the Right Honourable the Lord *LAMBERT*.

From a LOVER *of* PEACE *and* TRUTH.

[*The Reader will perhaps doubt, whether the following Piece is really what it pretends to be, a Declaration of King* Charles II. *under the modeſt Title of King of* Scots, *when he diſcovers, that it was not counter-ſigned by any one of his Majeſty's Miniſters, nor dated from any Place. But when he reflects on the ſeveral Articles of which it is compoſed, and the perfect Agreement which they have with the diſtracted Condition of the King's Affairs at that Time, and the Stile and Manner of that afterwards publiſhed from* Breda, *he will, perhaps, doubt no longer; and that more eſpecially, when he farther reflects, that after the Death of the Protector* Oliver, *the Factions which were undermoſt, had Recourſe perpetually to the King; and that his Majeſty made no Difficulty to ſend them ſuch Anſwers, as had a Tendency to keep up their Expectations, and continue their Dependence upon him: As to the Letter to* Lambert, *which accompanies the Declaration, it is uncertain whether it had the Sanction of the King's Authority: But the Affirmative is moſt likely, becauſe of the Offers it contains, which could not have been made good without it; and becauſe* Lambert, *having then newly reduced Sir* George Booth, *was looked upon as the moſt conſiderable Perſon in the Army.*]

CHARLES REX.

WE having lately received an Overture from ſome Perſons in *England*, with a ſeeming Pretence of a Peace and Reconcilement betwixt us and our Subjects of *England*, and although they acknowledge themſelves few in Number, and not ſo well reſolved, as to truſt us with their Names, yet undertake, on the Behalf of many Thouſands, to make good their Propoſitions to us, *conditionally*, that we grant and aſſure unto them, their (as they call them) reaſonable and modeſt Requeſts: Whether theſe Men's Intentions are juſt and upright, as they pretend, or whether, with *Joab*'s Salutation to *Abner*, they would entrap us to our Deſtruction; or with *Shimei*, come the firſt of all the Houſe of *Joſeph*, to meet us, not being able to *ſupport themſelves* in their decaying Condition, we ſhall not be much deſirous to enquire after: Only from hence we take Occaſion, to let thoſe Perſons, and all the World, know, that we are ready to grant to all our Subjects (ſome very few excepted) more than they can have the Confidence to expect from us: Yet let not any raſh Judgment condemn us for our large Offers, as, being in ſo low, and forlorn a Condition,

as

as never any *Christian* Prince for many Ages hath been, that we are forward in Promises, though intend little or no Performance: We say, were our Calamity more heavy upon us (which can hardly be) we shall not be drawn by the greatest Allurements and Advantages, to pass our Engagement for any thing we are not *fully resolved to perform*, which being chiefly for the general Good and Peace of all our Subjects, we cannot but hope for a happy Success to ensue, and therefore to declare that *(if peaceably received)* we shall forthwith grant,

1. A general and free Pardon to all (seven of those only excepted, which were the bloody Judges and Murderers of the King our Father.)

2. That all the Armies shall be, within six Months, disbanded, if Monies for their Satisfaction can, in a Parliamentary-way, be so soon raised, and that they shall have all Arrears fully paid them, and Three Months pay over and above to every common Soldier, for their better Removal and Settlement, in their former or better Way and Place of living.

3. That the Armies being so satisfied and disbanded, no Soldier shall be continued, but in the ancient Garrisons, accumstomed on the *Sea-Coasts*, and that no *New Army* shall be raised, or any Fleet by us set forth to Sea, upon any Occasion whatsoever, but by *Consent of Parliament*.

4. That not any of our Subjects shall be burdened with *Taxes*, *Excise*, *Free-quartering*, or other illegal Payments or Pressures, or any *Oaths imposed*, nor any debarred of their Liberties, questioned for their Lives or Estates, *for any Cause or Pretence whatsoever*, but by the ancient and known Laws of the Land, according to *Magna Charta*, and the *Petition of Right*.

5. That the Purchasers of *Crown-Lands* and Rents being satisfied their *Purchase-Money* and *Interest* by the Profits thereof, and further Payment, to their *full Re-imbursement*, the said Lands and Rents may return to the Crown again, we being resolved in the mean Time, to cast ourself on the Love of our Subjects for our future Support: And if the Parliament (that shall next be called) shall not think fit to give us a Reparation, and such a competent Revenue as we might expect, we have learned, and shall submit (if there be Occasion) to the Condition of the meanest of our Predecessors.

6. That the Purchasers of Bishops and Deans and Chapters Lands and Rents, being in like sort satisfied their Purchase-money and Interest by the Profits and further Payment, till they be re-imbursed, that then the said Lands and Rents shall be conferred on the *Clergy* and Ministry, as the next Parliament shall ordain.

7. That, as soon as Writs can be issued, a free and legal Parliament shall be summoned, and the Privileges thereof maintained, without any *Exemption to any Person whatsoever*, being legally chosen and returned, according to the ancient Laws and Customs of *England* in that Case provided.

8. That the Parliament shall be desired by us (and with whom we shall concur) to take care for the settling of the *Protestant* Religion, and the public Worship of *God* (with *Liberty for tender Consciences*) and for the providing for the Ministry in the first Place, as being the most weighty Affair, and ought to be preferred before any other Concernment whatsoever, without which no Blessing from above can be expected upon our Government.

9. That if the Parliament ſhall paſs an Act of general Pardon (and if they ſhall deſire thoſe ſeven Perſons by us intended to be executed, ſhall be included, and giving us ſatisfactory Reaſons for the ſame) we ſhall concur with them therein.

10. That the Affairs of the Land and our Government ſhall be conſtantly regulated and managed by *Parliaments*, and that the Act for *Triennial Parliaments* ſhall be by us *duly obſerved*.

We acknowledge it is very difficult, if not impoſſible to pleaſe all, eſpecially where there are ſo many Diviſions, and every Man almoſt of a ſeveral Mind and Opinion: But as we have propoſed to ourſelf, ſo ſhall we endeavour to give all reaſonable Satisfaction to all our Subjects. And if the Actings of the Repreſentatives in a free Parliament of their own Choice, can ſatisfy them, we ſhall not be wanting in ſummoning and concurring with them: But if that will not pleaſe them, nothing will.

Now, if theſe Condeſcentions of ours ſhall have ſo much Freedom of Paſſage in *England*, as many a ſcurrilous and lying Pamphlet, which get abroad without Check or Controul, we are confident that all of Underſtanding, that are not wilfully blinded, or not over-ſwayed with preſent Self-intereſt, thereby knowing our large Offers, muſt needs be fully convinced of the Amplitude thereof, extending to all their Grievances.

However, if it ſhall be inſtanced wherein we are too ſhort, (for we are ready for Good, and Peace of the Nation, to give large Satisfaction, and ample Aſſurance to our moſt inveterate Enemies) we, having yielded to all Matters of moſt Importance, ſhall not ſtick at *leſſer Things*.

And if any, that have been Adherers and aſſiſting our late royal Father and us, ſhall think we are herein too free and indulgent to ſuch, and ſo many open and profeſſed Enemies; and we have no Proviſion for our Servants, and Friends; we deſire them all to conſider our own, and alſo their Conditions, and how things now ſtand in *England*; that neither we, nor themſelves, can otherwiſe (in any Probability) better ourſelves, unleſs by a bloody and hazardous War; which, though we cannot doubt of the Lawfulneſs on our Part, and conſequently a proſperous Succeſs, if we ſhall be neceſſitated thereto, for the Recovery of our juſt Right, yet we are aſſured that the *God* of Peace will rather proſper a peaceable than violent and forceable Entrance: And, therefore, we hope all thoſe our Friends, and loving Subjects, will reſt fully ſatisfied with that we ſhall do purſuant to theſe Propoſitions; we being deſirous hereafter to conſider their Sufferings (though not comparable to ours) as *God* ſhall enable, and in all juſt and lawful Ways.

And now we wiſh that all the People of *England* would remember how they have performed their Proteſtations, Oaths, Vows, *Solemn League and Covenant*: But to inſtance in no more than the Honour and Privileges of Parliament, the Foundation of all their Laws, which they have ſo often ſworn and vowed to maintain with their Lives and Fortunes: What face of a Parliament they have now left, which ſhould conſiſt of three Eſtates, King, Houſe of Peers, and Houſe of Commons: The two firſt wholly deſtroyed: And what of the laſt is in being (not to mention at leaſt an hundred and fifty that, at the beginning of the Wars, left

them

them and went to *Oxford)* when a considerable Number of their own Party protested against their Proceedings, and deserted the House; how many imprisoned, and what great Numbers by Force expulsed, by that late bloody and hypocritical Usurper; which Actions of his (though they were a main Step to his intended Throne and tyrannical Government) yet are so well relished by that *Tail* of a Parliament remaining, that they are resolved neither to readmit the Persons so illegally and injuriously expelled, nor to fill up the void Places of any removed or dead: So that, in a few Years, what by Death and new Expulsion, they may reduce themselves to the Number of those infamous Tyrants of *Athens*; and if they can establish themselves by their designed *Militia*, and that they may thereby be able to command their now Masters, the Sword-men, and cashier them, they will model such a new Army as shall be in Subjection to them, and then vote themselves, their Sons and Nephews, a Parliament forever.

Let those that have generous *English* Spirits seriously consider, into what a Labyrinth of Woe and Misery they have run themselves, and now lie under; what a Confusion there is in Church and State; that what hath been gotten by Blood and Rapine, must be so upheld; the Government these Usurpers would settle, not being to be maintained but by continual Armies and Navies, and the Support of these must be Taxes, Excise, Free-quarterings, and chargeable *Militia's*, and other unsupportable Burdens, to Perpetuity.

Now let the whole Nation beg and implore a Blessing from the Father of Mercies; and let them all be of one Heart and one Mind, to free themselves of these Iron Yokes and heavy Pressures, and join and concur with us, in establishing a peaceable Government, to the great Joy and Happiness of the honest and true-hearted, and to the Advancement of the true *Protestant* Religion and *God*'s Glory. And let them all unanimously with one Voice say, *Amen.*

A true Copy taken from the Original.

A LETTER to the Right Honourable the Lord LAMBERT.

SIR,

LET it not be a Trouble to you to read a few Lines from one unknown, but a much Honourer of your Noble Spirit, and therefore desirous to cast in this Dram of Advice, among those many and weighty Debates now before you.

If I should tell you of diverse that had a Power or Capacity to contribute to, or restore Peace to these Nations, and have neglected the Opportunities, which they have since repented of, I am confident you would, even yourself, point out the Men; namely, *Essex*, *Fairfax*, *Waller*, *Massey*, *Brown*, *Rich*, *Cromwel*, and others.

Sir, We look upon you, at this Instant, as having the whole Strength of the Nation in your Hands, but if you expect to hold it long, you will be miserably deceived; therefore, I beseech you, make good Use of this happy Opportunity, and consider how great you may make yourself, and how glorious you will be to Posterity, if you be a Means of laying the Government on the

Shoulders of him that ought to bear it, which will in an Inſtant reſtore a happy Peace and Settlement to this diſtracted Nation: Certainly, the *greateſt Honour*, and a *better Eſtate* than any *Engliſh* Subject enjoys, ſhall be your Reward. But if you doubt how the Soldier, and Perſons deeply concerned, that ſhall concur with you, ſhall be ſecured and ſatisfied; ſee this *Declaration*, that, to my Knowledge, hath been near three Months in this Town, and perhaps not yet come to your View. Conſider of it, and ſee, if all your own Seekings, both from one Hand, and another, in Particulars be not here anſwered. Lay your Hand on your Heart, for are you not thereby convinced? Or would you know under what Government the People would reſt moſt ſatisfied, either a ſingle Perſon, Council of State, Parliament, or Army? Appoint ſuch a Way as every Man may, without Fear or Danger, give in his Vote undiſcovered. To begin only with this Town; let the Clerk of every Company, or Conſtable of every Ward, take a Ticket in Paper from every Man, and put it into a Box locked and ſealed, and you will find nine Parts of ten incline to that Conſtitution we have lived under above theſe five Hundred Years: But if not, you will, however, by this Courſe, give great Satisfaction to the People, in letting them have each an Opportunity of declaring their Minds, and thereby you will be rightly informed of their Affections; which being weighed in the Ballance of your Judgment, you may, with Confidence and Aſſurance, ſteer on a ſtreight Courſe to the Haven of Happineſs and Safety.

My Lord, I conceive I have done my Duty in declaring my Mind; and have no more to ſay, but that you do as *God* ſhall put in your Heart, and then go on and proſper.

Your Lordſhip's moſt humble

Octob. 14, 1659. *and faithful Servant,*

S. L.

Out of the Duke of Chandos's *Collections.*

A ſeaſonable ADVERTISEMENT to all that deſire an happy Settlement, particularly to thoſe of the Royal Party. Being, I. The Extract of a Letter from *Breda*. And II. A Letter written upon it to a Friend in the Country.

[*We are told by Mr. Archdeachon* Echard, *in his Hiſtory of* England, *that Chancellor* Hyde *had a conſtant Communication with many of the King's Party, but with none more cordially and effectually than Dr.* John Barwick, *afterwards Dean of St.* Paul's, *and who had been ejected out of his Fellowſhip in St.* John's *in* Cambridge. *As therefore we can ſcarce help concluding, that the following Extract was writ by the ſaid Chancellor, it may be fairly preſumed, from the Scope and Tendency of it, that the Doctor was the Perſon to whom it was addreſs'd: But whoever were the Correſpondents, the Papers themſelves are not only a Matter of Curioſity, but of Uſe; as they ſerve to ſhew what a Spirit of Meekneſs the Court affected to put on, while the great Affair of the* Reſtoration *was depending, and how much the wiſeſt Men among the Clergy then thought it for their Intereſt, not to be ſo tranſported with their* Loyalty, *as to forget their* Chriſtianity.

The EXTRACT.

SIR,

WHEN Mr. *W.* left us, I had ſo much upon my Hands to diſpatch, that I obliged him to make my Excuſe to you for not writing, which he promiſed to do very confidently; and next to not writing at all, the Diſpatch I ſhall now ſend you will need a new Excuſe. For the Truth is, I am now almoſt in as much Haſte as when he left me. The King came hither but on *Wedneſday*, and I but laſt Night, ſo that having but two or three Hours to make uſe of a ſafe Meſſenger, I can hardly find the Letters I am to anſwer.

I am heartily glad that Mr. *D.* is with you, whom you will find a very *worthy* and *diſcreet* Perſon, and fit to join with you in allaying the *too much Heat* and *Diſtemper* which ſome, that pretend to be our *Friends*, are in this preſent Conjuncture very much accuſed of: Inſomuch as this very laſt Poſt hath brought over three or four *Complaints* to the King of the very unſkilful Paſſion and Diſtemper of ſome of your *Divines* in their late Sermons, with which they ſay both the *General* and *Council of State* are highly offended, as truly they have great Reaſon to be, if (as they report) there have been *Menaces* and *Threats* uſed againſt thoſe who are in Power, and ſeem very willing and deſirous to improve all Opportunities towards a happy *Settlement*. One D. *Gr.* is mention'd *for having preach'd a Sermon in that Kind*, and ſince *printed* it, and dedicated

it

it to the *General*, who they say is extremely offended at it. *Other Persons* are likewise named, as guilty of the same *Indiscretions*, who are so well known to me that I do not believe it. It is too much that the least Occasion of Offence is given by any, especially those that should be the *Lights* and *Guides* to others, and teach them, by their Examples as well as Doctrine, to make better Use of their late Sufferings than to retain any *Bitterness or Uncharitableness in their Hearts*. The King hath been very earnestly desired, by some of his Friends there, to send some such *Order* and *Reprehension* under his own Hand, as may restrain those Excesses, and prevent the like hereafter, in all that profess Devotion to his Service, both of the *Laity* and *Clergy*; but it is not easy to do it in the Way that is prescribed, and the *Informations* being several, and not very coherent, we cannot possibly believe they are exact in all Particulars. However, the King is really troubled at it, and extremely apprehensive of the *Inconvenience* and *Mischief*, both to the *Church* and *Himself*, from Offences of that kind; and so are all that are about him, notwithstanding (you tell me) the *contrary Opinion* is so much endeavoured by the Enemies of Peace to be infused into the Hearts of the credulous People, of which I hope we shall in Time convince them by our *Actions*. And he hath *commanded* me, not only to desire you and Mr. *D.* to use your Credit and Persuasions with those that are thus complained of, and to let them know from his *Majesty* what Sense he hath of it; but, if you find Occasion, that you also desire *B. E.* and *B. S.* to interpose their *Authority* to inform or reprove them into such a Temper, as may qualify them to make a better Judgment of the Season, and not to give the least Occasion of awakening those *Jealousies* and *Apprehensions*, which all good and prudent Men should by all means endeavour to *extinguish*; and the rather, because it is the Interest of some Men to make a Mountain of every Mole-hill of this kind which they can possibly meet with. And truly, I hope, that if these Occasions of Offence be but carefully avoided, our public Affairs, both in relation to the Church and State, are in a better Tendency towards a happy Settlement, than these indiscreet (though never so well meaning) Men imagine; who, I presume, will be more troubled that the *Church* should undergo a new Suffering by their *Imprudence*, than for all they have suffered hitherto in themselves. I should not have enlarged thus far upon this Particular (being thus much straiten'd in Time) but only that I have *Special Command* for it: Nor had that Command been laid upon me, if his *Majesty* had not had very particular Information and Complaint in this Point. And I am sure this Advertisement cannot be without some Fruit, though in Truth there should be no just Grounds for the Complaint. I wish you all Happiness, and am very heartily,

SIR,

Breda, April $\frac{6}{16}$, 1660. *Your most affectionate Servant.*

The

The LETTER.

SIR,

IF the *Inland-poſt* had but fallen out as pat for conveying this incloſed Extract to you, as the Paſſage by Sea was favourable to bring the Original to my Hand, it might have been ſent a Day ſooner than it is; though when you compare the Date, you will wonder it ſhould be ſo nimble as it is. But the Subject is of that Nature, as required not only Communication to Friends, but Haſte; and when I have once lodged this in the Poſt-Office, I have diſcharged myſelf of both as well as I can, in reference to you. I am very ſorry any of us ſhould need a Monitor, (after *God*'s Hand has been ſo long upon us) to teach us that vital Act of *Chriſtianity*, *Charity*, which *ſuffereth long*, *and is kind*, *envieth not*, (ὐ περπερεύεται) *does nothing* (perperam, or) *raſhly*, *thinketh no Evil*, *beareth all Things*, *believeth all Things*, *hopeth all Things*, *endureth all Things*. It is viſible enough, that the *want* of this *great Virtue* was the *Original of our Sufferings*; and till it be reduced into the Hearts of all Perſons, of what Party ſoever, (the Patients as well as the Agents) we cannot hope to ſee that perfect and durable Compoſure and Settlement of theſe unhappy Differences, which all Men now ſo earneſtly deſire, excepting thoſe only that deſire to make their *private Gain* out of the *public Loſs*. You ſee how perfectly this *formalis ratio* of *Chriſtianity* is planted, how exactly this Image of *Chriſt* is formed in the Heart of him, whom we ought to look upon as his *Vicegerent* over us: And if we had no more but his Example to teach us the ſame Leſſon, it is ſuch a *Topic* as was wont to be argumentative beyond all Exception, even among the very Heathens, when *Regis ad exemplum*, *&c.* became, in a manner, a proverbial Aphoriſm. And ſurely, I cannot now ſee how any Man can pretend to be of his *Party*, that will not be of his *Affections*; conſidering that, beſide this, nothing can now denote a Man of *his Party*, ſince of the two old characteriſtical Notes, *Doing* and *Suffering*, the one is at an End, and the other very near it, if our Sins or Follies do not continue us in it. But beſide this, when we have ſo many and ſtrong Motives to what is our Duty, preſſed upon us by him whoſe Commands ought to be ſacred to us, and ſignified by ſo good an Hand as you know this was; I hope none will be ſo fooliſh as not to yield a free and full Obedience to what is here enjoined; and to bleſs *God* for his good Hand upon the Heart of him from whom it comes, who is ſo careful of us all, while ſome are ſo careleſs of themſelves. I hope you will excuſe that little Paſſion wherein this is written, which has no other Motive than an earneſt Deſire of the public Good of this Church and Kingdom. I confeſs it hath tranſported me to uſe theſe ſuperfluous Arguments to you, which I might have received much improved from you, if I had not prevented you in them: But in that the Loſs is mine, and therefore I hope it will expiate my Fault herein, without begging your Pardon for it. All that I deſire of you, is to peruſe over the incloſed Extract, and to make what Uſe of it among your Neighbours and Acquaintance, your own Piety and Prudence will think neceſſary or convenient. I muſt not conceal from you, that I have already been adviſed by Friends (whoſe Wiſdom

much reverence) to print it: But you ſee, the Perſon that writes it doubts whether the *Information* was *exactly true* (which I hope he has good Reaſon to do, ſeeing I never heard of any *Menaces* or *Threats* uſed by any); and beſides that, it is too palpable a Tranſgreſſion of the Rules of correſponding, to print another Man's Letter (though the Perſon were of much meaner Quality than this is) without his Conſent; though I confeſs I ſhould otherwiſe have thought it not unneceſſary. Inſtead of that, you ſee I have made uſe of this Way, tho' more laborious to me; and the rather, that I may take an Occaſion with it to hint unto you (as I do to my other Friends) how convenient it is thought to be by our Friends here, for the Nobility and chief Gentry of your County, who have heretofore been of the King's Party, to make ſome public Declaration of their Willingneſs to *forget what is paſt*, and lay aſide all *Animoſities* for the future, and freely acquieſce in what the Parliament ſhall do, in order to a happy Settlement; which healing Method is already under Conſideration (if not perfectly concluded upon) by the County of *Somerſet*, and I believe will be made uſe of in many other Places. I ſhall willingly confeſs my Opinion to agree with yours, if you ſhall think it convenient that the *ſuffering Clergy* ſhould go before the reſt in ſuch a *Chriſtian* Duty, either by *Exhortation* or *Example*. But the Truth is, they are ſo far diſperſed, as I cannot conceive how they can do it by *Example:* And I can aſſure you, thoſe that are here, are not wanting to uſe their *Exhortations* to it, both in private Perſuaſions and Letters to their Friends; and thoſe that have the uſe of the Pulpit, preach that Doctrine in the general, whereof this is a particular Branch: and I hope thoſe in the Country will do the like. That as moſt of them have given a good Example of *Patience* in their Sufferings, ſo they may do the like in *Charity* in their future Actions, and thereby declare to all the World, how perfectly they are the Diſciples of our great Maſter, and how really the Miniſters of the *Goſpel of Peace*.

I beſeech you pardon this impertinent Tediouſneſs, which can ſignify nothing to you, but only that my Heart is full; and yet I find a continual Stream of the ſame Thoughts and Affections flowing in from all our Friends here, which makes them vent themſelves by this Exundation. But however, I ſhall here ſhut the Sluice, with this Aſſurance, that I am,

SIR,

London, April 12, 1660. *Your moſt affectionate Servant.*

Out of the Collections of the ſame noble Duke.

The

The CASE of Preſent DISTRESSES on *NON-CONFORMISTS*, examined in the Execution of an Act, Entituled, *An Act againſt ſeditious Conventicles* (whereof large Experience hath manifeſted, that no Diſſenters are guilty:) This Practice hath been of late taken up, that, upon the Oath of ſome Informers, Convictions are clancularly made, and Executions granted on the Goods of thoſe informed againſt, a firſt, ſecond, third time, *&c.* without Notice, Warning or Summons, or any Intimation of Procedure againſt them, or Allowance for them to make their own Defence.

[*As the Papers immediately preceding, and thoſe that immediately follow, are intended to illuſtrate each other; it may not be improper in this Place, to remind the Reader of ſuch Circumſtances as have an equal Relation to both: And firſt, even in the* Breda *Declaration, which was underſtood and accepted by all Parties, as the Baſis of the new Government, the King promiſes a* Liberty to tender Conſciences, and that no Man ſhould be diſquieted or called in queſtion for Differences of Opinion in matters of Religion, which did not diſturb the *Peace of* the Kingdom; *and declares,* that he was ready to conſent to an Act of Parliament for the Security of that Indulgence. *It was natural, therefore, to expect, that ſuch an Act would have been one of the firſt Concerns of the Convention; more eſpecially as the King, after he was in Poſſeſſion of the Throne, continued to make a ſhew of deſiring and promoting an Union, between the* Epiſcopal *and* Presbyterian *Parties, which appeared, firſt, by his appointing the* Savoy-*Conferences; and then by his taking the Diſpute into his own Hands, and ſetting forth yet another Declaration, which contained ſo happy a Temperament, as drew Addreſſes of Thanks from the* Presbyterian *Miniſters, and even from both Houſes of Parliament. But, tho' a Bill was actually brought in, agreeable to the ſaid* healing *Declaration, no ſooner did it appear, that the King had changed his Mind, becauſe the* Preſbyterians *refuſed to ſuffer the* Papiſts *to ſhare with them in the intended Indulgence, then they let it drop; and having thus loſt this Opportunity, were diſſolved, that they might never retrieve it any more. His Majeſty was now induced to purſue quite oppoſite Meaſures: For, having tried ſome Practices on the* Preſbyterian *Rabbies, by the Offers of Biſhoprics, &c. with very little Succeſs, he cloſed with the* Epiſcopal *Party againſt them, and applied himſelf to ſubdue thoſe by Rigor, who were not to be mollified by Perſuaſion. Accordingly, the Juſtices of the Peace were directed to cauſe the Li-*

turgy to be revived and to contend for the Letter *of the* Laws *againſt his Majeſty's* Pleaſure, *ſet forth in his Declarations: And under the Umbrage, of a Proceeding, which opened the Way for the Clergy, to take Poſſeſſion of the promiſed Land, and an expreſs Proclamation, prohibiting all Meetings and Conventicles, under Pretence of religious Worſhip, a new Parliament was choſe, which proved to be of the ſame Complexion with the Miniſtry that called it: That is to ſay, they were Devotees to Epiſcopacy, and Enemies avowed* to Papiſts, Preſbyterians, *and Sectaries of all Sorts: It is no wonder therefore, that one of their firſt Performances, was to reſtore the Biſhops to their Seats in the Legiſlature. That, in the next Place, they prepared the Act of* Uniformity; *and that both in the ſaid Act, and the* Corporation *Act, they made ſuch a Proviſion by* Oaths *and Penalties, as bid fair to render their Aſcendancy in the Government perpetual. But tho' the King had gone thus far with them, for Conſiderations of his own, among which the* Hearth-Money *Duty ought not to be forgot, he had other Conſiderations in Reſerve which induced him, during the Receſs, to ſet forth a Declaration of* Indulgence *for the Eaſe of* Non-conformiſts, *or, as he gave out, to fulfil his Promiſes: This ſo alarmed and diſguſted the Commons, that, at their next Meeting, they not only remonſtrated againſt it, but took upon them to* diſpenſe *with thoſe Promiſes, which they inſiſted ought not to be preſſed upon him any farther: And after ſome little Controverſy, his Majeſty thought fit to avail himſelf of that Diſpenſation, and to barter away his new* Indulgence *for four Subſidies. A good Underſtanding between them being thus reſtored, when they met the fourth Time, in Exchange for the Repeal of the Triennial Act, and an Act to improve the* Hearth-Money *Tax, his Majeſty was pleaſed to gratify them, yet again, at the Expence of the* Non-conformiſts, *by giving the Royal Aſſent to a Bill, which made it penal for any Man to frequent Conventicles. It is true, by way of Salvo, they were called the* Seed-Plots and Nurſeries of Rebellion: *And Endeavours were uſed to ſhew, that they were not entitled to the Benefit of his Majeſty's Promiſes, becauſe their Doctrines were inconſiſtent, with the* Peace of the Kingdom: *But it does not appear, that theſe Endeavours were altogether ſucceſsful, or that thoſe ſtigmatiſing Expreſſions were any otherwiſe warranted, than by ſuch Tranſactions as the Act of* Oblivion *had made it Criminal to reproach them with. But neither was this all; for the Party not being as yet ſufficiently ſubdued, Complaint was made, that their Teachers had ſettled themſelves in diverſe* Corporations, *and took opportunity to inſtil the poiſonous Principles of Schiſm and Rebellion, to the great Danger of the Church and Kingdom; and in Conſequence thereof it was enacted, that none of ſaid Teachers ſhould live within* five Miles *of any* Corporate Town, *unleſs they took the Non-reſiſting Oath, on Penalty of* 40 *l. and ſix Months Impriſonment. This was the Product of the ſixth Seſſion, held at* Oxford, *and, in Return for this new Favour to the Church, a new Supply was granted to the Court of* 1,250,000 *for carrying on the War againſt the* Dutch, *which had coſt the Nation* 2,500000 *l. granted the Seſſion before. But notwithſtanding ſo many Grants on one Hand, and Conceſſions on the other, a Criſis at laſt came, when the King once more declared for Liberty of Conſcience, and in Virtue of his* ſupreme Power in Matters Eccleſiaſtical, *ſuch was the Language then uſed, diſpenſed with all the Laws he had made; and authoriſed his Subjects to ſerve* God *as they pleaſed.*

ed. This Indulgence *lasted, till the ill Success of the* Dutch *War obliged his Majesty to truckle once more to his Parliament: Upon which, his Declaration was recalled, and cancelled, and what was far more extraordinary,* the Growth of Popery *being are more apprehended than the* seditious *Designs of the* Protestant Non-conformists, *the* Zealots *gave way to the bringing in a Bill for their Relief (tho' not to the passing it into a Law) and they were connived at, till the Court found it once more necessary to enter into a League Offensive and Defensive with the Church against the* Excluders, *who had all the* Non-conformists *for their Auxiliaries: But then, tho' another Bill of Ease or Toleration, had again passed the House of Commons in their Favour, the penal Laws were let loose against them with more Fury than ever: The Sins of their Leaders were visited upon the whole Party; and under the Pressure of this Calamity, it was, that the Two following Papers were set forth in the Year* 1682.]

1. THis Practice is as contrary to the original Pattern of all Government, as unto the Execution of Law in criminal Cases. When *Adam* sinned by the Transgression of a Penal Law, *God* was the only Governor of the World, and there was a temporal Penalty annexed unto that Transgression. But yet, to manifest, that personal Conviction was to be the natural Right of every Transgressor, before the Execution of Punishment, he himself the only Judge, tho' absolutely Omniscient, deals with *Adam* personally, as to the matter of Fact, *Hast thou eaten of the Tree, whereof I commanded thee, that thou shouldst not eat?* And gave him the Liberty of his own Defence, (as that which was his Right) before he denounced any Sentence against him: He is still the supreme Governor of the World, and let Magistrates take heed how they despise that Precedent, and Pattern, of the Administration of Justice in criminal Causes, which he hath given and perscribed unto all Mankind.

2. It is contrary to the Light of Nature, and that in such a Principle, as hath a great Influence in the Constitution and Preservation of Government in the World; and that is, *that every Man is obliged unto, and is to be allowed the unblameable Defence of himself and his own Innocency,* against Evil and Hurt from others. This, the Law of *God* and Nature require of every Man, and the whole Figure of human Justice doth allow; and that he may do this without Force or Violence, the Injury of others, or Disturbance of natural Order, is one of the principal Benefits of Government in the World, and one chief End of its Institution. If this be taken away, the Law of Nature is violated, the chief End of Government is destroyed, and all things are reduced to Force and Confusion. This Men are deprived of in this Practice, namely, of *lawful Self-defence* before Conviction, and the Execution of Penalties. And it is to no Purpose to pretend, that this is a Matter of small Moment; so that altho' there should be a Deviation in it from the common Rule, yet the Law of Nature in general may be kept inviolable; for that Law being the animating Soul of all human Government, as the Whole in the Whole, and the Whole in every Part, if it be wittingly contravened in any Instance, it tends to the Dissolution of the Whole; and where any such thing is admitted, it will sully the Beauty, and weaken the rightful Power of any Government.

3. It hath been always rejected in all Nations, even among the Heathen, who have exercised Government according unto the Rules of Reason and Equity.

So the Laws and Uſage of the *Romans* is declared by *Feſtus*, Acts xxv. *It is not the Manner of the* Romans *to deliver any Man to die, before that he, which is accuſed, have the Accuſers, Face to Face, and have Licence to anſwer for himſelf concerning the Crime laid againſt him.* It is not of any Weight to object, That this was in the Caſe of *Death*; for the Reaſon of the Law is univerſal; namely, That every one who is charged with a Crime, in order unto Puniſhment, ſhould have Liberty to anſwer for himſelf; and it was obſerved by them in all criminal Cauſes whatever. No Inſtance can be given of their varying in this Proceſs, but it is noted as an Oppreſſion. And the ſame Practice is ſecured by the Laws and Uſages of all civilized Nations: For,

4. This Procedure of allowing Men, charged with any Crime, real or pretended Liberty to anſwer for themſelves before Judgment and Execution, is ſo manifeſtly grounded on natural Equity, ſo inſeparable from the common Preſumptions of Right and Wrong amongſt Mankind, as that it could never be wreſted from them on any Pretence whatſoever. It is a Contradiction unto common Senſe, in Morality and Polity, for a Man to be convicted of a Crime, expoſing him to Penalty, and not be allowed to make his own Defence before ſuch Conviction: Yea, let Men call ſuch a Sentence and it's Execution, by what Name they pleaſe, there is no Conviction in the Caſe; and it is ridiculous to call it ſo, where a Man is not allowed to defend himſelf, or plead his own Innocency, if he be ready ſo to do. The common Saying of *qui ſtatuit aliquid parte inauditâ, altera æquum licet ſtatuerit haud æquus fuit*, is no leſs owned as unto it's natural Equity, than that other, *Quod tibi fieri non vis, alteri non feceris*; and both of them ſufficiently condemn this Practice, in the Conſciences of all Men, not blinded by Prejudice or Intereſt.

5. The general End of Penal Laws, which alone make them warrantable in Government, are inconſiſtent with ſuch clancular Convictions as are in this Caſe pretended. Their firſt Intention is Authority to inquire into Offences, whether they are real or no; for the Preſervation of public Good and Peace. And if it be found, that the Complaints concerning them are cauſeleſs; the ſecond Intention, which reſpects Puniſhment, is ſuperſeded; as *God* declared in the Caſe of *Sodom*, unto the Inhabitants whereof, after Enquiry, he granted a perſonal Conviction, by the Angel he ſent amongſt them, unto whom they openly declared their own Guilt. To omit the firſt Intention of Law, and to go *per ſaltu*, unto the latter, is to make that which was deſigned for the good of all Men, to be unto the Danger of all, and Ruin of many. For,

6. The Practice deſigned, takes all Security of the Goods and Eſtates from many peaceable Subjects, even of all unto whom the Caſe extends; for every Evil Man is enabled hereby, for his own Profit and Advantage, to take the Goods of other Men into his own Poſſeſſion, the Owner knowing nothing of the Cauſe of it, which Poſſeſſion ſhall be avowed legal. Now this is utterly contrary unto all good Government, and the principal End of the Law; which is to ſecure unto every Man the Poſſeſſion of his own Goods, until he be legally convicted (on the beſt Defence he can make for himſelf) that they ought by Law to be taken from him. But in this Caſe, the legal Right of one Man unto his Goods is transferred unto another, and that other enabled by Force to take Poſſeſſion of them, before the true Owner is once aſked, why it ſhould not be ſo.

ſo. The Pretence of allowing him a Liberty in ſome Caſes, to make Uſe of an Appeal, and to ſue for his own Goods, when they are in the ſuppoſed legal Poſſeſſion of another, and he diſenabled for ſuch a Suit by the Loſs of them (as many have been) is no Help in this Caſe, nor gives the leaſt Colour of Juſtice to this Procedure.

7. To interpret the Words in the Act, to give Countenance unto this way of Procedure, is contrary to the known Rules of interpreting Laws of this Nature; and theſe are firſt, That they are not to be made Snares to catch and harm Men, without juſt Cauſe, and a Neceſſity thereon for public Good. To make ſuch Engines of them, is to diveſt them of all Authority; nor can that Reverence that is due unto Government be preſerved, unleſs it be manifeſt, that not only the Laws, but alſo the Adminiſtration of them, are for public Good; ſo as that they are not capable, in their genuine Senſe, to be made Snares for the Hurt of Men, in denying them their *own juſt Defence*. Nor can there be a more dangerous Inroad made on the Security of the Subjects, as to their Property and Liberty, in and by the Adminiſtration of the Law, than a wreſting of it in any one Inſtance unto the Hurt or Wrong of any; and we do know, what Conſequence the Interpretation and undue Application of penal Statutes, with the wreſting them unto unwarrantable Severities, have had here in *England*. And it is a Rule of the ſame Importance, That in dubious Caſes, ſuch Laws are to be interpreted according to the Cuſtom and Uſage of Proceedings in other Laws of a like Nature, and not be conſtrued unto the Intereſt of Severity, eſpecially where it is uſed unto the Gain and Profit of other Men: Aad what is the Method of Conviction in all other Laws, towards Perſons who do not decline a Trial, is known.

8. But, beſides all that hath been ſpoken as unto the Reaſon of things in general, this Practice is directly contrary to, and inconſiſtent with, the plain Senſe and Intention of the Law itſelf, whereof Execution is pretended: For there is a Gradation in the Penalty annexed unto a Contrivance in the Offence. The *firſt* Conviction is for *Twenty Pounds*, the *Second* for *Forty*. And this will admit of no Pretence, but that the Perſon offending, muſt know of the firſt Conviction, that it may be a Warning to him, to avoid the additional Penalty, which is for Continuance in the ſame ſuppoſed Offence after the firſt Admonition. But in the preſent Practice, no ſuch thing is allowed, but Convictions are made for the *firſt*, *ſecond*, and *third* Offence, without any Tryal of what Effect the firſt would be, which is contrary to the Senſe of the Law, and an open wreſting of it unto the Ruin of Men. And,

Laſtly: Theſe Convictions are made on the Oaths of the *Informers*, who at preſent are a Sort of Men, ſo deſtitute of all Reputation on the Account of their Indigency, contracted by their profligate Converſation, as that Men of the like Qualifications are prohibited by many Laws, from bearing Teſtimony in any Caſe, tho' in all other Things, the Proceſs be legal, open and plain. To admit ſuch Perſons to give Oaths in private, without calling or ſummoning them to anſwer who are charged by them, and thereon to put them into actual Poſſeſſion of their Goods, unto their own Uſe and Advantage, is a Practice which *England* hath had, as yet, no Precedent for, nor found out an eſpecial Name whereby to call it. Hereon Perjuries have been multiplied (whereof

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ſundry of them have been legally convicted) to the Diſhonour of *God*, and great Increaſe of the Sin of the Land; and whatever becomes of *Nonconformiſts*, if the ſame kind of Procedure ſhould be applied unto other Caſes, (as why it may not be ſo, if in this Inſtance, the Bounds of the Law of Nature, and the Uſages of Mankind ſhould be broken down) others would find themſelves aggrieved as well as they.

And theſe Things are humbly ſubmitted unto the Conſideration of the Judges, Juſtices, and Juries, even all that are concerned in the Adminiſtration or Execution of the Law.

[*Out of Lord* Sommers's *Collections*, *Vol. II.*]

The Form of an ADDRESS, expreſſing the *True Senſe* of the DISSENTING PROTESTANTS of *England*.

WE are a PEOPLE diffuſed through his Majeſty's Kingdom, whom the LAW doth not otherwiſe know, than ſo as to account our very CHARACTER (by which we muſt diſtinguiſh ourſelves) our CRIME, and animadvert upon Us for it; and have not the Advantage of being in any formed legal Society, whereby, under one common Notion, acceptably to apply ourſelves to His Majeſty, as others, to whom their Circumſtances in theſe Reſpects are more favourable. That any ſhould, undeſired, take upon them to ſpeak unto His Majeſty the Senſe of the reſt, though it ſhould fall out to be moſt ſtrictly true, would not be reaſonable or ſatisfying: That it ſhould be allowed Us to ſend Delegates from all Parts, to meet and repreſent our Common Senſe, were a Privilege none will be ſo little modeſt as to aſk: That any therefore ſhould addreſs themſelves in the Name of All jointly, is impoſſible; and to do it for themſelves ſingly, were inconſiderable and preſumptuous. But were it poſſible, or permitted to Us to repreſent our common Sentiments, they would certainly admit to be conceived after this following Tenour.

To the KING's moſt Excellent MAJESTY;

The humble Repreſentation and Addreſs *of your* Majeſty's *Subjects in this your Kingdom of* ENGLAND, *who diſſent from ſome Rites of* Religion, *eſtabliſhed and commonly practiſed therein.*

May it pleaſe your Majeſty,

WE your Majeſty's moſt loyal and dutiful Subjects are moſt deeply ſenſible of your Majeſty's heavy Diſpleaſure; which becauſe it ſo peculiarly falls upon us, and for Cauſes therefore that we muſt ſuppoſe are underſtood to be peculiar to us, whereof nothing offers itſelf to our Conjecture, but either our different Sentiments and Practices in the Matters of Religion; or that we are thought not to be duly affected towards your Majeſty's

jesty's Authority and Government; we do therefore, in all Humility, prostrate ourselves at the Footstool of your Royal Throne, and most humbly represent our unfeigned Sense concerning both, to your most Princely Consideration and Clemency. We do, with ingenuous Freedom and Sincerity, acknowledge to your Majesty, that there are some RITES and MODES in the public RELIGION and Worship, which we sensibly find it is our great temporal Infelicity not to be satisfied with; and a greater Difference in Religion is not to be *generally* imputed to us, nor can be the Cause of a general Displeasure towards us. Besides, that hereupon also we have been wont to worship GOD in such a Way, as, according to the Information of our Consciences, we apprehend agreeable to the DIVINE WILL. Nor can it enter into our Minds, that this can be the Cause of your Majesty's peculiar Displeasure towards us. Your Majesty's *declared* Aversion to afflict your Subjects merely for their CONSCIENCES in Matters of Religion, and our own great Experience hereof, cannot allow us to admit any such Thoughts. Your Majesty knows there is such a Thing as Conscience in Man, which he hath it not in his Power to command and alter as he pleases; it being its Office, under GOD, to command and govern him. Those of your Majesty's Subjects, whose Practice in Religion is more agreeable to your own Royal Persuasion, cannot, without great Uncharitableness, be supposed so generally to have chosen it in Design to please your Majesty, but from the former Disposition of their own Minds, apprehending it more pleasing to GOD. Wherefore, since all Mens Minds are not of one Complexion more than their Bodies are; and our Minds are irresistably led to apprehend a Way of Religion somewhat different to be more pleasing to the DIVINE MAJESTY, we cannot but conceive ourselves entitled to your Majesty's Grace and Favour herein, on the same common Reason with the rest of your Subjects: For, since no Man did ever account, that Religion could have any other proper Design than the pleasing of GOD; and that your Majesty well knows, those RITES and MODES of it from which we dissent, are not immediately commanded by GOD himself, and therefore, that he cannot be displeased by their not being urged upon us, we think ourselves bound to judge, that your Majesty (accounting it your Part to provide for the pleasing of GOD in the first Place) will be much better pleased with our worshipping him without them, than either with our wholly forbearing any solemn Worship of GOD, or worshipping him with them against our Consciences, both which would certainly displease him. If we should thus declare ourselves to your Majesty, *That it is indeed the settled Apprehension of our Judgments and Consciences, that we should most highly offend GOD, if we did, in all Things, fall in with the allowed way of Worship* (which we generally do, as far as we can apprehend it lawful) *but yet, in Complaisance to your Majesty, we are willing to abandon our Consciences, and incur the Divine Displeasure*, we cannot doubt but we should hereby render ourselves justly detestable to your Majesty, and to all Mankind. And whereas it is acknowledged, not only by all the Divines of the Church of *England*, but universally by all *Christians*, that it is an indispensable Duty of Natural Religion, *to worship GOD in Assemblies*, if it be possible, can we hope to please your Majesty, by resolving against such Worship of GOD, when that we ought so to worship him, is confessed and agreed on all Hands? But as

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the doing it in the Uſe of the RITES and MODES, which we ſcruple, is ſo doubtful and diſputed a Thing, and by us feared to be ſinful; Could we any way more provoke your Majeſty, than by refuſing our natural, rightful Homage to the Supreme RULER, whoſe Vicegerent you are? Or if we ſhould tell the Reverend Fathers of the Church, we are ready to come into their Communion againſt our Conſciences, would that qualify us for their Communion? Or can we think Diſſimulation were more venial; and the profeſſing that to be according to our Conſciences which is really againſt them? We cannot therefore but apprehend, it were a Wrong to your Majeſty never to be atoned for, if we ſhould ever have allowed ourſelves to think our mere Diſſent in the Matter of Religion, were the Thing for which your Majeſty appears ſo much offended with us. And,

May it pleaſe your Majeſty,

As to the Matter of our LOYALTY, we make this ſincere Profeſſion, that the ſame Conſcience which conſtrains us to diſſent from ſo many of your Majeſty's Subjects, in ſome Circumſtances of Religion, doth moſt ſtrictly oblige us to agree with the moſt Dutiful and Loyal of them, in obeying, to our utmoſt, your Majeſty's Laws in all Things elſe. And not only to obey, but endeavour to preſerve your Majeſty's Authority and Government, with the Hazard of all that is dear to us, together with your royal Perſon, your Honour, Intereſt, Rights and Prerogatives; and the SUBSTANCE of the eſtabliſhed Religion, which is common to your Majeſty, and your Kingdom with us. Nor, if all the Reſt of your Majeſty's Subjects were called in Reference to all theſe Things, to expreſs their Duty to your Majeſty, apart from us, (of which Excluſion we ſhould have as impatient a Senſe, as to have our Limbs torn from us) we ſhould never decline ſo laudable a Contention, as to vie with them in all Expreſſions of that noble Kind. Nor ſhould they ever be able, more zealouſly to *abhor*, or oppoſe any, whatſoever *Plots*, *Confederacies*, *Aſſociations or Conſpiracies* contrary hereunto than we. Neither can we ſuppoſe that your Majeſty's ſober-minded Subjects, will be ſo Unequal as to Reproach us, with the Bloody Conteſts of former Days, which happened before, probably, the greater Part of us were born; the ſtated and publiſhed Occaſions whereof had no Connection with the Matters of our preſent Difference and Diſſatisfaction; and wherein yet there are *ſome* of us ſtill ſurviving that took *part with the Crown*, and *not many* that had other Participation, than in the Miſeries that from thence deſcended in common to us with the Nation: The Reports and Hiſtories whereof we never read or hear but with Horror, ſtill feeling within ourſelves, even at this Diſtance, the Convulſions, Fears, and Dangers of our Country, at length returned to its former ſettled State by your Majeſty's glorious *Reſtitution*, where to *conſiderable numbers* of us (as we believe your Majeſty doth not forget) *joyfully* contributed their *utmoſt* and *not uſeleſs Endeavours*. And after the *Inſtruction* given to all your Majeſty's Subjects of whatſoever Denominations, by the Divine Providence which reſtored your Majeſty to the *glorious Throne* of your Anceſtors in ſo peaceable a Way, and by your Majeſty's Authority and Example, with the prudent Determination of the Orders and States of your Realm, for the aboliſhing the *Remembrance* of thoſe un-

unnatural Contentions, we account, that both the Senſe of our Duty and our Intereſt, and even Time itſelf ſhould diſpoſe all our Minds ſo far, to bury them in an everlaſting OBLIVION, as that no Seed of future Animoſity ſhould thence remain among your People: With the entire Body of whom, as we are moſt ſtrictly united, not only in all the Affection and Duty to your Majeſty, which both your ſacred Rights, and your Royal Goodneſs do claim from us, but alſo in all the SUBSTANTIALS of the beſt Religion that ever any Nation enjoyed. So we doubt not, but in due Time, your Majeſty's great Wiſdom and Goodneſs will find out proper Means of effecting an entire UNION among all your Subjects, in thoſe leſſer Things alſo, which that they are the Occaſion of any remaining Difference, we can but lament (as we do with very ſenſible Grief and Sorrow) but cannot Remedy.

In the mean Time, we moſt humbly beſeech your Majeſty, that we may ſtand Right in your Majeſty's gracious Eſtimation and Acceptance, and ſhall ever continue daily Supplicants for all divine Bleſſings upon your Royal Perſon, Family and Government.

The Citizens LOSS, when the CHARTER of *LONDON* is forfeited, or given up.

[*When the great Reſolution was taken (at the Inſtance, no doubt, of ſome crafty Lawyer) to lay the Ax to the Root of the Conſtitution, by reducing all the Corporations of the Kingdom to an immediate Dependance on the Crown, and conſequently to put them under a Neceſſity of chuſing what Magiſtrates and Members the Crown thought fit to recommend, two Methods of Proceeding were agreed upon, namely, To inveigle and frighten the Timorous and Corrupt to* * *ſurrender their*

* As Numbers actually did; under what Practices may in part be gathered from the Paper that follows:

An Account of the Surrender of the old Charter of Northampton, September *the 26th---- and the Manner of their receiving their new Charter*, &c. *Together with an eloquent Speech made by* Robert Clerk, *Eſq*; *(Deputy Recorder of* Northampton) *upon that Occaſion.*

YEſterday, the Mayor, Aldermen, Bailiffs, and Burgeſſes, walk'd in their Formalities to the Limits of the Town; and met the Right Honourable the Earl of *Peterborough*, Lord Lieutenant of the County, and High Recorder of the Town; accompanied with a great Confluence of Nobility and Gentry on Horſe-back, and attended by a Body of the County Horſe. My Lord alighting, preſented a new *Charter* from the King, with an excellent Diſcourſe upon the gracious Favour of his Majeſty to the Town. The Mayor, in the Name of the new *Corporation*, humbly received it on his *Knees*, with due Reverence, Joy, and Gratitude of Mind.

When this was done, my Lord mounted again on Horſeback; the Mayor, Aldermen, Bailiffs, and Burgeſſes, leading the Way to the Town-Hall, the *Charter* being carried before them by the Town-Clerk bare-headed; the Trumpets ſounding, Bells ringing, and Wind-Muſic playing aloud. When they came to the Hall, the *Charter* was read;

their Charter; and to sue the Tenacious and Stubborn to a Forfeiture by the Means of Quo Warranto's. London *was justly placed at the Head of the last; and was therefore, for Example's sake, to be humbled first. The Pretences fixed upon, though many were named, were two,* viz. *First, A By-Law of the Corporation, by which they had levied some new* Tolls *or* Rates *at their Markets: And Secondly, a Passage in their Petition to the King, on the sudden Prorogation of the last* Westminster *Parliament,* January 10, 1680-81, *to*

which being done, *Robert Clerk*, Esq; our Deputy Recorder, made the enclosed Speech, a true Copy whereof is here inserted. After this, they were all entertained at a splendid Dinner by the Corporation, and with great Rejoicing they did solemnly and soberly conclude that happy Day.

Mr. Mayor, *and you the Gentlemen of the Corporation,*

"BY the Bounty of his Majesty, and his Royal Progenitors, Kings of *England*, you have had great Privileges and Freedoms bestowed upon you.

They have likewise put so much Confidence in you, as to trust you with a great Share of the Government of this Town.

But so it fell out, that certain evil Men have lately crept into Authority among you, and by their stubborn and seditious Practices, have abused this Trust, and forfeited those Liberties. You did judge aright, when you apprehended these ill Consequences sprang originally from some *Defect* in your *Charter*.

And you did resolve *wisely*, when you enter'd into Thoughts of *surrendering* it, together with such Liberties and Rights as were annexed to your *Corporation*; and to lay them at His Majesty's Feet, with an humble Request, that he would grant you back what *he thought most suitable for you.*

And you did it seasonably in Point of Time, before too much *Notice* had been taken above, of some *Extravagancies* that had happened here below, which might otherwise have produced inconvenient Effects.

The King most graciously accepted them; not with any Thoughts (you do see) of abridging your Liberties, retaining your Revenues, or cutting off any Branch of your former Authority in the Government of this Town.

For they are all re-granted to you to a Tittle, together with some other Accommodations in your Government, which you did request.

If you could have thought of any more Advantages, and would have desired them, I have Reason to believe you might have had them; but indeed the King hath been so kind to you, that you cannot quickly find out what he hath not already granted you.

His Majesty hath reserved only to himself, (which is indeed a most gracious Favour to you all) that whereas you have heretofore been subject to his Correction if you did ill; now he has made it his Care *(by way of Prevention)* that you may not hereafter do amiss.

And now may you (under the Providence of Almighty *God)* date your Felicities from this Time, if you please.

For it rests only, that you of the *Loyal* Party be constant and united; and the rather, because the *Seditious* have been broken in their Measures of the late ‡ *Plot*, and have, since then, made it their Business to gain a great Point in sowing Divisions among the well-affected in several Parts of the Nation.

Is there any among you have been tainted with ill Principles, that you revolve often in your Minds? now there is an Eye upon you, which will have a Respect to Justice, as well as Mercy.

And that you do shew yourselves humbly grateful to the King who has graciously received your Address, passed by what former Failings has been among you, and given you these good Things; and, to conclude, that you bear Faith and true Allegiance to his Majesty, and to his Heirs and lawful Successors by *Birth-right*, according to the ancient and fundamental Laws of the Crown and Kingdom: For they certainly will prove the best Support of the Established Government in *Church* and *State*.

‡ That of the *Rye-House*.

to this Effect, "*That they were extremely surprized to see the Parliament prorogued in the Height of their Business: That their only Hopes were, that this was done only in order to bring such Affairs about again, as were necessary for settling the Nation; and that, therefore, they pray'd his Majesty would be pleased to let the Parliament sit at the Day appointed, and so continue, till they had effected all the great Affairs before them.*" *Or as it was stated by the Attorney General in his Pleadings,* "*That they were extremely surprized at the late Prorogation, whereby the Prosecution of the public Justice of the Kingdom, and the making the necessary Provisions for the Preservation of his Majesty and his Protestant Subjects, had been interrupted.*" *Now as to the* Tolls, *they had been first imposed in the Year* 1666, *to re-edify the Markets consumed by the Fire, and had been quietly submitted to ever after: And as to the Words of the Petition, it was very well urged by the City-Council, in Mitigation of them, That the King himself, in his Speech from the Throne, at the Opening of the Session, had declared, That he neither thought himself nor the Nation* SAFE, *till the Plot had been thoroughly prosecuted; and that, therefore, the Citizens had his Majesty's own Authority to justify this extraordinary Interposition of theirs; as founded alike on their common Preservation. This Prosecution, therefore, was, from the Beginning, esteemed a Matter of State, not a Matter of Law: And tho' the City made the best Defence they could, they knew their Doom was sealed. The Struggle lasted till the Middle of the Year* 83: *The Press had full Employment on both Sides all the while; and when it was apprehended the Decision was at Hand, the two following Papers were published: In the first of which is to be discovered the last convulsive Agonies of a dying Malefactor, and in the other the savage Triumph of a wanton Executioner.*

THERE being so great a Murmur, and so much Discourse, that the *Charter* of this City of *London* is to be made *forfeit*, or else *surrendered* by a *Common-Council*, 'tis fit for every Member of the City to understand, that the Meaning or Intent of such a *Forfeiture* or *Surrender*, is to dissolve the Body Corporate or Politic of the City, to spoil it irrecoverably of all its antient Government, Laws, Customs, and Rights, which have been its Glory throughout *Europe*, near two thousand Years, to bring it into the same State with the Country Villages, only capable to be created a new Body Politic, by the Grace and Favour of his Majesty, and to obtain such Privileges as the Crown can grant, which are infinitely inferior to the Customs, Franchises, Rights and Government, it now holds by the Laws and Statutes of the Kingdom.

If then there be any Danger, either of a *Forfeiture* or *Surrender* of this City's *Charter*, every Member of it is concerned, not only in Interest but in Duty, to contribute what *Assistance he can to preserve and secure it.*

For that Purpose, every Citizen, upon taking his Freedom, is sworn *To maintain the Franchises and Customs of the* CITY, *and to keep the* CITY *harmless to his Power*; and whatsoever Citizen shall openly attempt, or privately contrive the Destruction of the Corporation, or any of its Franchises, Customs, or Privileges, betrays the Community, and violates his said OATH, from which no Power on Earth can absolve.

The Means at preſent projected for the Forfeiture of the *Charter*, and the utter Ruin of this ancient Body Politic, is the Proſecution of a *Quo Warranto* againſt it, aſſigning thereupon ſome ACTS of *Common-Council*, made and intended for the City's Welfare, whereby is pretended a Forfeiture of all its Privileges, Authorities, and Wealth, and its very Being. As if it were reaſonable that a Miſtake in a *Common-Council* in the Extent of their Authority (if any ſuch be) ſhould bring ſo great a City, and all its Members, no way concerned in ſuch Miſtake, to ſuffer ſuch a heavy, dreadful, and unheard-of Judgment.

The miſchievous and fatal Conſequences of any Diſſolution of this antient Body Politic, are ſo many, that the wiſeſt and ableſt Lawyers cannot number them, nor foreſee the Evils that may attend it; ſome of the moſt viſible are theſe that follow, *viz.*

Firſt, Whatſoever the City hath claimed and enjoyed in all Ages, by Cuſtoms and Preſcriptions, as their great Inheritance, will be ſo extinguiſhed, that they can never be again revived by any Grant from the Crown; as,

Tolls in their Markets and Fairs, for Goods not ſold, payable by Freemen or Foreigners, *&c.*

Water-bailage, and all Duties thereby growing.

Wharfage, with Power to diſtrain for the ſame.

Meetage, Weighage, Scavage, Hallage.

Such Cuſtoms likewiſe will be for ever extinct, as are belonging to the ſeveral Courts in *London*, and are different from the Common Law.

The Juriſdiction of the ancient Court of Huſtings will be loſt in many Things of great Conſequence, *viz.*

In holding Pleas of Land.

In all real Actions whatſoever.

In correcting Errors in the Sheriffs Courts.

In paſſing Lands by Recoveries.

Bargains and Sales inrolled, which have the Force of Fines to bar *Feme Coverts*.

Inrolments of Laſt Wills and Teſtaments.

The Court of the Lord Mayor and Aldermen.

The whole Court of Orphans, and their Power and Juriſdictions about their Eſtates and Marriages, and all Authorities relating to Orphans, and their Protection, and puniſhing, by Fines and Impriſonments, all Offenders, *&c.*

The Proviſion of Widows and Orphans, by the Cuſtoms of which they are Judges.

Their Juriſdiction over all Companies, Fellowſhips, Brotherhoods, to make them all conſiſtent each with other, and uſeful to the whole Body.

In the Mayor's Court.

The whole Court of Equity, and its Juriſdiction in all Matters whatſoever, whereby ſuch a Multitude of meaner Traders are ſpeedily relieved with ſmall Expences.

All their cuſtomary Proceedings to arreſt without Warrants.

To arreſt upon Plaints entered for Debts without Summons.

All Attachments for ſpeedy Recovery of Debts.

Actions upon *Conceſcit ſolvere*, without providing any Conſideration.

The

The Plea *Cognovit ſcriptum ſed Petit quod Inquiratur de Debito*, and thereupon the Jury to find upon a Bond the juſt Debt and Intereſt, and no more, whereby the People enjoy the Benefit of Law and Equity by the Jury at once.

The Cuſtom which prevents Wager of Law, Return of Juries by Inqueſts of the Ward.

Reading Affidavits of Perſons abſent, as Evidence, which, in a Trading City, is of great Uſe.

Levetur, and all other cuſtomary Proceedings.

All Proceedings for Diſcharge or Relief of Apprentices, for immoderate Chaſtiſement, and not Inrolling.

Puniſhments of Offenders for Breach of all By-Laws, by Actions or Informations.

Diſfranchiſements by Informations.

Informations for aſcertaining the Bounds of Wards, and many other cuſtomary Proceedings there.

The Sheriff's Court.

The like Juriſdiction as in the Lord Mayor's Court, as to Pleas, Arreſts, Attachments, and many other Proceedings, for ſpeedy and eaſy Juſtice within the City, which hath advanced the Trade, Wealth, and Growth of the ſame.

The Wardmote Courts, and their Juriſdictions.

The Court of the Chamberlain, for making Freemen, binding Apprentices, correcting their Offences, turning them over, with many other uſeful Powers thereunto belonging.

The Court of Conſervacy of the River of *Thames*, and the Waters of *Medway*, hath many ancient Privileges and Juriſdiction.

The Court of Conſcience, becauſe to be held before Commoners, to be appointed by the preſent cuſtomary Court of Aldermen: and

The Court of Policies of Inſurance, though not held by Cuſtom, becauſe the Commiſſioners thereof cannot act till ſworn before the now cuſtomary Court of Aldermen, by 34 *Eliz. Cap.* 12.

There are alſo many Privileges, Exemptions, and Immunities, belonging to the Perſons or Eſtates of Freemen, by the Cuſtom of *London*, not enjoyed by Grant, nor to be reſtored by Charter.

That none but Freemen ſhall exerciſe any Trade in *London*, or keep any Shop to buy and ſell.

This Privilege may be reckoned the general Eſtate of the Citizens, upon which they greatly depend; it is the Fruit of their Freedoms, which they obtain by their Money, or their Service, or their Fathers Copies.

'Tis this Cuſtom that reſtrains all that are not free of the City from having Shops, and Trading there; puts a Value upon every Citizen; advances them in their Marriages, and induces many to give good Sums of Money with their Sons to be Apprentices; and the rather, becauſe many other Privileges are by Cuſtom annexed to the Freedom; as,

That a Freeman of *London* may uſe his Trade in any other Part of *England*.

That a Freeman bound to one Trade, may ſet up any other, and uſe the ſame.

The

The Cuſtom of *Feme ſole Merchants*, whereby the Induſtry of the Wife may provide for the whole Family, and withal ſo uſeful to ſupport poor Widows and Orphans.

Every Shop in *London* is a Market Overt for the Trade of the Owner.

Creditors may arreſt before Day of Payment, for better Security.

Citizens may deviſe in *Mortmain*.

Debts on ſimple Contracts amongſt Citizens, are equal to Obligations under Hand and Seal.

The Cuſtom of an Infant being bound by his Covenants of Apprenticeſhip.

The Perſons of Freemen are exempted from all Tolls in any Place in *England*.

From moſt Duties in *London*, which Foreigners are ſubject to; from ſerving on Juries out of *London*.

To be diſcharged of Wharfage, and many other Privileges; all which muſt be loſt for ever, though a new Charter ſhould be obtained.

There are alſo other general Privileges depend upon the Cuſtom, not reſtorable by Charter; as, That

The Cuſtoms of this City ſhall be tried in the Courts at *Weſtminſter*, by Certificate of the Mayor and Aldermen, made by the Mouth of the Recorder.

Cuſtom to puniſh Whores by the Civil Magiſtrate.

The Forfeitures to the City, of Goods foreign bought and foreign ſold.

The cuſtomary Powers of the Common-Hall.

Entring into a Houſe upon Suſpicion of Bawdry.

To call a Woman Whore, actionable.

The Offices of Chamberlain, Common Serjeant, and Common Crier, as to the principal Part of their Offices relating to the Orphans.

Secondly. All the Authorities, Liberties, Immunities, and Powers, veſted in the preſent Corporation, and their Succeſſors, by ſeveral Acts of Parliament, are not transferrable to, or upon another Corporation, but by the ſame Authority, and will all be loſt. Some of which follow: As,

37 *Hen.* VIII. 12. Gives the Mayor of this old and preſent Corporation of the City, Power to determine Controverſies of Tithes.

3 *Jacob.* 15. The Lord Mayor and Aldermen are to appoint two Aldermen and twelve Commoners, to be Commiſſioners for a Court of Conſcience, for recovering of ſmall Debts, as is before mentioned.

3 *Jacob.* 18. The Mayor, Commonalty, and Citizens, and their Succeſſors, ſhall make, have, and maintain, a new Cut or Stream of Water, from *Chadwel*, *Anwel*, &c. to *London*.

22, 23, 25 *Car.* II. The ſeveral Acts for rebuilding of *London*, ſo much thereof not yet executed, as relates to the Mayor, *&c. (viz.)* Lord Mayor and Aldermen to determine Appeals concerning Maintenance-Money, aſſeſſed in lieu of Tithes.

Power to value and ſell unbuilt Grounds; to determine Controverſies about Lights, Ways, and Party-Walls; to give Satisfaction to Owners.

43 *Eliz.* 12. The Court of the Policies of Aſſurance, for the Reaſons before mentioned.

But above all, there can be no Revival of that ſolemn Confirmation of all the Liberties, Franchiſes, Free Cuſtoms, and Privileges of the City of *London*, by MAGNA CHARTA, which have been ſince renewed and confirmed thirty Times in Parliament; many of which were accompanied with the Invocation of Vengeance upon the Infringers of the ſame, and their Poſterity.

Thirdly, Many Privileges held by ancient *Charter*, of former Kings, if loſt, or ſurrendered, can never be reſtored by any new *Charter* from the Crown.

The Citizens, by ancient *Charter*, are exempted from the Duty to the Crown of *Priſage* of Wines; but if the Corporation be diſſolved, every Citizen is diſfranchiſed, and thereby made liable to pay it; and the like Exemption cannot be re-granted by the King, at leaſt till the Determination of a long Leaſe of the ſame Duty in being, becauſe his former Grant will prevent it during the Term.

In like Manner, the Citizens of *London* are very anciently exempted from Tolls throughout *England*, but if the Corporation be diſſolved, the Crown is barred from re-granting the like, by many Grants of the Tolls to others, from which no new Exemption can be given.

Let ſuch as read this ſmall Collection conſider, that the ancient and excellent Compoſition of Cuſtoms, Laws, and Liberties in this City, made by the Wiſdom, and approved by the Experience of ſo many Ages, confirmed by twenty-three Kings and thirty-three Parliaments, muſt for ever be broken to Pieces, with the Loſs of its *Charter*.

And let them think, whether it be poſſible for any Man, or Number of Men, to foreſee the Diſtraction, Diſorders, and Miſchiefs, that may be the Event of ſuch a fatal Stroke, to ſo great a Body Politic?

The Children unborn may groan under ſuch Conſequences of it, as are not now intended, nor can be imagined: Who can tell when the Cries of the Widows and Orphans will ceaſe? The ſuppoſed Proviſion made for Citizens Wives and Children is void and null, if the Corporation be diſſolved.

No new *Charter* can give them any Right to their cuſtomary Shares and Diviſions of their Huſbands and Fathers Eſtates, ſo much depended upon in Marriages.

The deluded Fathers muſt be vexed with new Cares, who have given great Portions with their Daughters to Citizens, upon Conſideration only of the City Cuſtom, without taking Jointures for them, or Proſpect of any other Dower.

How great will be the Diſtraction and Confuſion in and about the Courts of Juſtice, notwithſtanding any Proviſion which can be made by any new *Charter* for other Courts.

All Cauſes and Actions depending in the preſent Courts, and the Proceedings therein, muſt ceaſe, as if they never had been; and all Judgments obtained, not executed, will be void and null, and no Citizen will know where or how to ſeek his former wonted Relief, either in Law or Equity.

All the Offices belonging to the City Courts of Juſtice, muſt periſh with the Courts; and all the Officers belonging to them, who have obtained their Places by Purchaſe, or otherwiſe, muſt ſeek out new ways for themſelves and Families.

The

The ſame ſad Fate will attend all the Officers, whoſe Offices depend upon the Government of the City, or its Magiſtrates, or its Revenue; and if any of them ſhould hope, by Grace and Favour, to obtain ſome new Office under a new *Charter*, they can never claim their old cuſtomary Fees.

The preſent Orphans, to whom the City owes their Portions, muſt be turned to begging or ſtarving, or to live upon the future Charity of a new Corporation. When the Body Politic of the City ſhall be diſſolved, no Creditor can implead it for any Debt, neither can any of its Debtors be impleaded.

The Death of a Corporation reduceth it to nothing; and 'twill then be as if it had never been. In reſpect of Debts or Credits, there can be no Succeſſor, Heir, or Executor, to demand or anſwer for the Body that was.

Therefore, all the Goods and Chattels of the City muſt fall to the King, to be given and diſpoſed of as he pleaſeth.

And all its Lands and real Eſtate in the *Exchange*, *Guildhall*, &c. muſt of Right revert unto the Heirs of the Donors, if there be any, or eſcheat to the Crown, for want of ſuch Heirs.

But the Face of Confuſion is ſo full of Horror, that will appear after the Diſſolution of this mighty Body, by *Forfeiture* or *Surrender* of its *Charter*, that I tremble to look upon it afar off.

The Lord *Cook* ſays, It would require a Volume of itſelf, to treat of the great and notable Franchiſes, Liberties, and Cuſtoms of this City; and no leſs a Volume would be neceſſary to deſcribe the Diſorders, Loſſes, Diſtractions, Miſchiefs, and Confuſions, that muſt attend the Deſtruction and the Death of ſo great a Body Politic.

And the City of *London*, by this Means, which is now one of the ancienteſt Cities in the whole World, will, at the Time of ſuch Surrender, be the youngeſt City and Corporation in *England*.

The laſt WILL *and* TESTAMENT *of the Charter of* *LONDON.*

IN the Name of our Sovereign Lord *Charles* by the Grace of *God*, *&c. Amen.* The Kalends of *May* in the Year of our Lord God, 1683, I *Polycarpion*, Charter of *London*, alias *Hidra*, the many-headed Monſter, the Rebellious Subject and unprofitable Servant of our Lord the King, weak in Power, but ſtrong in Will, to ſtand in the Oppoſition to my Lord and Maker, weak and infirm in Body, but in good and perfect Memory of all my former Enormities, and Senſe of my preſent Infirmities, do, with great Reluctancy of Spirit, moſt unwillingly, and with an evil Mind, render and give into the Hands of my gracious Sovereign all the Spirit of Life and Soul-Enfranchiſement, Privileges, Freedoms, and Immunities, with all the Contents, Clauſes, Particulars and Proviſos, which he and his noble Anceſtors have from time to time beſtowed upon me, ſince he firſt faſhioned me into a Body Politic. And that factious Body, whoſe mutinous Members have brought me to this untimely End, I commit to the Goals and *Newgate*, the Rope and Hangman, from whence moſt of them

them took their Original, and to which 'tis fitteſt they ſhould Return, there decently to be diſpatched into t'other World; not doubting but at the next Reſurrection of Soul and Body, Members and Charter, I ſhall receive the ſame Body again by the great Power and indulgent Bounty of a Gracious King, who with me is able to ſubdue all the Charters in *England* to himſelf, not a vile, corruptible, mutinous, factious, riotous, rebellious Body, but a moſt obedient, loyal, conformable, ſincere and perfect Body, and in all Points more laſting and glorious than the former. Firſt, as touching my Wife *Polyhimnia*, with whom I coupled in Fear and Allegiance, till I went a whoring after my own Invention, teaching other Cities by my Example to mutiny, and rebel; and tho' my Wife alſo turned Proſtitute, admitting all Countries and Nations, Sects and Factions into her lewd Embraces, yet becauſe ſhe was once my lawful Wife, and hath borne me many Children, I therefore give and bequeath to her as long as ſhe ſhall remain a Widow, the Occupation of this whole Body impolitic, with every individual Member thereof, to occupy with all People, Nations and Commodities, even as I at preſent occupy the ſame. As alſo all Profits, Uſes and Intereſts, riſing out of any Sum or Sums of Money, provided it be in any Hands but the Bankers, with a Third for her Dower, all my Goods excepted and always reſerved to me and my Heirs for ever, my golden Chain and Collar of *S S.* my golden Hanger, Silver Head-Piece, Satten Doublet and Fur-gown, all which my Will is, ſhall be annexed to the Freehold, and remain as Heir-looms to my Succeſſors and Heirs forever.

Let this ſuffice for my Wife's Portion, deſiring that ſhe may mend her lewd Life, and be more diligent for the future in bringing up theſe our rebellious Children in the Principles of Allegiance and Loyalty, that the King may be to her a Huſband, and to her Children a Father, as he is to thoſe that deſerve it at this Day, to whom I have bequeathed all my Tenements, Goods, and Profits aforeſaid, provided they take not unlawful *Toll* upon the Markets: For the Reſt of my Children, tho' many of them I fear will never come to *Good*, being led aſtray with the Spirit of Pride, Sedition, Faction, and Rebellion, yet, becauſe the Law of Nature requires that I ſhould take ſome Care for them, to Sir *Robert Clayton*, I bequeath all that the Chamberlain has left of the Common Stock, to purchaſe *Paddington* Manor, with the Demeſnes and Appurtenances thereunto belonging, ſince there are no more *Dukedoms* to be purchaſed; and 'tis thought that *Tyburn*, paying his Arrears next Year to the City, will yield a better Rate than 20 *per Cent.* in the Banker's Hands: To Sir *T. Player*, I leave all the Manor of *Moorfields*, with all the Wenches and Bawdy-Houſes thereunto belonging, with Mrs. *Creſwel*'s, for his immediate Inheritance; to enjoy and occupy all, from the Bawd to the Whore downward, at nineteen Shillings in the Pound cheaper than any other Perſon, becauſe he may not exhauſt the *Chamber* by paying old Arrears, nor embezzle the Stock by running into new Scores.

Sir *Patience Ward*, becauſe he fell from the Truth, I cut off with an *Oliver*-Shilling. To Dr. *Burnet* I leave all the Advowſons of the Church-Livings through *London*, and the Liberties thereof, to turn into Conventicles, when he ſhall prevail againſt the Church and Government. To *Hobland* the *Jew*, I do bequeath *Baxter*'s Meeting-Houſe to be converted into a Synagogue; be-

cauſe though the *Jew* be not ſo good a *Chriſtian*, it's thought he'll make the better Subject of the two. To Sheriff *B*——, I do bequeath forever the Office of Catarer to every Whig's Feaſt; and, in caſe no other be found, to be Chief Executioner to chop off the Head of Royal Monarchy, if he can get it in his Clutches. To *Pillion* and *Dubois*, I leave a perpetual Commiſſion to lead all the factious Tumults and Riots in the City, in Hopes, when they come to be hang'd for mutinying, the Captains will lead the Van. To *Pilkington* and *Hetherington*, becauſe their ſcandalous Tongues have devoured their Eſtates, I do bequeath the *King's-Bench* for a Manſion-Houſe forever: And becauſe they may not want Fellow-Comforters in their Affliction, I do bequeath the Coroner, (*Brome*) with the would-be-Sheriffs (if they eſcape Hanging in that Time) to their Companions next Year.

To thoſe Lawyers and Quacks, who pretended to prolong my Life, but ſend me faſter into t'other World, I leave them my back Part to engroſs their *Ignoramus* Arguments and Juries upon. To *W*——*ny* and *Maynard*, I leave the two Balls of Wax, which bear the Impreſſion of the Great Seal of *England*, to ſeal the Bill of Excluſion in the next prevailing Parliament; and the reſt to the *Salamanca* Doctor, to ſign his Blank Commiſſions for the next inviſible Army of Pilgrims ready to land upon *Banſtead-Downs*. To all the reſt of the Plotters, Sectaries, and Diſſenters, who have brought my grey Hairs with Sorrow to the Grave, (if Ropes ſhould be wanting) I leave my Hide to be cut into Halters, that all Rebels may have their juſt Reward. And to all the loyal Party, I leave all the Wealth, Pleaſure, and Power of the City, with the two Giants in *Guild-Hall*, to defend them from the Violence of the factious Tumults, till a New Charter, like your New *London*, riſe more glorious out of the Aſhes of the Old. And for the due and juſt Performance of this my *Laſt Will and Teſtament*, I leave the aforeſaid Dr. *Burnet* my Truſtee, and for which I deſire of him to preach my Funeral Sermon. In Witneſs, *&c.*

The Earl of *ANGLESEY*'s * State of the Government and Kingdom: Prepared and intended for His MAJESTY, King *CHARLES* II. in the Year 1682. but the Storm impending growing ſo high prevented it then. With a ſhort VINDICATION of his Lordſhip from ſeveral Aſperſions caſt upon him, in a pretended LETTER, that carries the Title of his *MEMOIRS*.

By Sir JOHN THOMPSON, *Bart.* afterwards Lord *Haverſham*.

[*The Name of the Earl of* Angleſey, *and that of the Editor of this Piece, Sir* John Thompſon, *Lord* Haverſham, *may, perhaps, be ſufficient to excite the Attention of the Public: But a Word or two of Introduction may, nevertheleſs, be neceſſary to clear up ſome Particulars relating to it. In the firſt Place, then, it*

* Printed for *Samuel Crouch*, 1694.

It appears, in the very Title-Page, that the Letter, called The Earl of Angleſey*'s* Memoirs, *was the Occaſion of publiſhing this; and for what Reaſon appears in the Editor's Preface; for whereas the Drift of the former, was to tell the World, that the Buſineſs of Sir* E. Godfrey, *the Firing of* London, *the Popiſh Plot*, &c. *were only Fears, Jealouſies, and Surmiſes; and Lord* Angleſey *gave his Voice for the Condemnation of Lord* Stafford, *(one of the Lords accuſed as privy to that Plot) Sir* John *infers, that thoſe* Memoirs *were none of his; and, to clench his Argument, produces this State of the Government and Kingdom, of his Lordſhip's preparing, for the King's own Uſe, as a Piece of Counter-evidence; ſhewing, That he who thought his Majeſty ſo ill ſerved, and the Nation ſo near being undone; could not countenance any ſuch Opinions, as are ſuggeſted in the ſaid* Memoirs. *But in the Year* 1702, *when the Controverſies between the two Houſes, concerning their Privileges, made all Papers of that Kind deſirable to the Public, another Tract of his Lordſhip's, called* The Rights of the Lords aſſerted, with Remarks on two Conferences, *held in the Year* 1671, *was made public, by ſome other Friend or Relation of his Lordſhip's; who, after lamenting the Loſs of his Lordſhip's elaborate Hiſtory of* Ireland, *from the Year* 1641, *to the Year* 1660, *(which was miſſing nobody could tell how) blames one Sir* Peter Pet, *for printing ſome of his* ſcattered *and* unfiniſhed *Papers, (written only to relieve his melancholy Moments, and amuſe himſelf, under a long and tedious Indiſpoſition) under the ſpecious Title of Lord* Angleſey*'s* Memoirs. *Here, therefore, it is admitted, That thoſe Papers were really that Nobleman's; and the Editor of* The Rights, *&c. tho' anonymous, ſeems to be as well acquainted with his Lordſhip's Studies, and Opinions, as either of the two former. If therefore, there is a ſeeming Difference in the Evidence, contained in* The Memoirs, *and* The State; *may they not be reconciled, by ſuppoſing, that his Lordſhip found as much Reaſon to condemn the Malcontents, as the Court? Or, if not, by conſidering them as two different Expedients of the ſame* Courtier, *who never deſigned that either of them ſhould have been expoſed to the Cenſure of the Public? The Reader will decide on theſe Conjectures, as he finds Cauſe: It remains, however, to be obſerved,* 1. *That the Reaſon aſſigned, by Sir* John Thompſon, *for Lord* Angleſey*'s* NOT *preſenting the Paper to the King, which he thought of ſuch Importance for his Majeſty's Service, namely,* That the Storm's growing ſo high, prevented him, *does not ſeem altogether ſo concluſive, as he would have it imagined. The higher the Storm, the more the Ship is in Danger, and the more need there is of a good Pilot: And how ſure ſoever his Lordſhip might be, that his Service would be rejected, it became him, as his Majeſty's* ſworn, faithful *Counſellor, to have made the Tender.* 2. *That the* November *before this intended Piece of volunteer Advice, was dated, his Lordſhip had received a Letter from the Duke of* Ormonde, *then reſiding in* Dublin, *in the Capacity of chief Governor of* Ireland; *complaining of an Anſwer to the Earl of* Caſtlehaven*'s Memoirs; as caſting a Reflection on the Memory of the late King:* 3. *That his Grace had cauſed this Letter to be printed:* 4. *That from hence, the Earl had all he Reaſon in the World, to believe the Duke was under a Court-Direction; in order to furniſh his Majeſty with a Pretence to remove him out of his Office of Lord Privy-Seal, and thereby to make*

room for Lord Hallifax: *And that when he was removed, as he actually was, in the* Auguſt *following, after a Sort of a Hearing before the Council, by whom his ſaid Anſwer was voted a ſcandalous Libel, he had nothing more to apprehend, from the Envy of his Adverſaries, ſince he had no other Places to loſe; and ſince his* Zeal againſt Popery, *which was the real Cauſe of his Diſgrace, had not led him to join with the* Excluders, *againſt the Duke of* York, *as the only Method to prevent the Nation from being deluged by it.* 3. *That the Earl did not think himſelf obliged, after ſuch Uſage, to conſult over-nicely the Humour of the Court; for he not only cauſed an* Account *of the whole Proceeding, between the Duke of* Ormonde *and himſelf, before the Council, to be publiſhed; but accompanied it with a Copy of his expoſtulatory Letter to the King upon it; and afterwards appeared at the* Old Baily, *at the Trial of Lord* Ruſſel, *in Behalf of that unfortunate Nobleman, and to take off the Edge of Lord* Howard's *Evidence againſt him; by depoſing, That he had heard him declare, with the utmoſt Solemnity, the contrary of what he had now ſworn: And, laſtly, That, in the Cloſe of the ſaid* Account, *he talks in a Language very little agreeable to the Drift of his* Memoirs, *above cited: For, he not only ſuggeſts,* That *Popery* was then flowing in upon us; *and that both Dr.* Morley, *Biſhop of* Wincheſter, *and himſelf, were of the ſame Opinion, for keeping it out, Ten Years before,* When the *Papiſts* were warmly ſet upon their Deſign to introduce it, before their deſperate *Plot, (theſe are his Lordſhip's own Words)* ſince diſcovered, (for which ſo many have ſuffered, by the Hand of Juſtice) was ripe for Execution.]

To the KING and QUEEN.

May it pleaſe Your Majeſties,

THIS Paper was at firſt intended a Preſent to Your Royal Uncle; in which the noble Author has ſtudiouſly contracted his many and large Experiences into a Compaſs, ſuitable to the Leiſure and View for which he deſigned it. How wiſe and great a Stateſman he was, and how fitted for an Argument of this Nature, by his great Inſight into Men and Buſineſs, [having from his Youth breathed ſcarce any other Air than that of Courts] how valued and eſteemed by King *Charles* the Second for his Wiſdom and Dexterity in reducing Things to their true Temper and legal Standard, eſpecially at an Emergency, when either the Folly or Deſign of falſe or weak Miniſters had puzzled his Majeſty's Affairs, and made them almoſt deſperate, thoſe who knew him can better tell. It becomes me to be ſilent, leſt I ſhould injure his Memory by ſaying too little, or diſpleaſe others by ſaying too much; if any have ſo much Curioſity, they may themſelves make the Judgment by this Taſte, that is left us of his Mind, Thoughts, and manly noble way of expreſſing himſelf, [a Thing wherein his Lordſhip had a peculiar Happineſs, not diſguiſed in the taudry Dreſs, wherein he has been of late injuriouſly expoſed.]

I have nothing to ſay in Excuſe for my Preſumption in this Dedication to your Majeſties, but that it was deſigned for the Service of the Throne; and certainly

certainly a Diſcourſe of this Nature (wherein you will ſee the wide Differences, between the faithful and wiſe Councils of the dead, free from Flattery, Fear or Deſign, and thoſe of the living, which are ſubject to them all) cannot but be acceptable to Your Majeſties, eſpecially in a Time of ſo much Action, Danger, and Diſappointment.

Your Majeſties Obedient Subject and Servant,

JOHN THOMPSON.

The PREFACE.

THE Tombs and Dormitories of the Dead, have always been held venerable; to invade their Silence, or diſturb their ſleeping Duſt, much more to mangle, and then expoſe them, yet ſcarce cold, is a Crime ſo deteſtably odious, nothing but a French *Barbarity* * *could ever be guilty of: But, for a wiſe and great Man, to be abuſed in his Thoughts, to be preſented to the World, as one that took Pleaſure in deceiving and impoſing upon the Underſtanding of others, to be made to think, and ſpeak Things ſo low and mean, ſo dull and inſipid, nay, quite contrary to his own Senſe and Apprehenſion; is a Cruelty and Savageneſs ſo much greater, as that to be mortal, and thereby ſubject to Violence and Injury, is the common Lot of all; but to be a Fool, or a Knave, is the particular Curſe but of ſome few.*

And yet it has been the Misfortune of a late noble Lord, to be thus repreſented to the World, in a Book that bears the Title of, The Earl of *Angleſey*'s Memoirs; *but is indeed ſo very unlike him, it is ſtrange, any ſhould have the Confidence to impoſe ſuch a ſuppoſititious Thing on the World; certainly this Lord might have expected better Treatment, after an Age worn out, with Toil and Pain, for the Public, than to have his Study plundered, his Papers rifled, his Thoughts debaſed, by a dull and coarſe Allay, and his Reputation ſet to Sale, for a little private Advantage. Is there no Original left of ſuch a Man, to ſhew him to the World, but this little Miniature, theſe few Sheets? Where is that expected Work* † *the Expence of ſo much Oil and Thought, in which he might have hoped to live to future Times? How can any, that have either Value for the Memory of the Dead, or Regard for the Cenſure of the Living, detain any longer ſo uſeful and ſo finiſhed a Piece, which was at firſt undertaken, for the Service and Information of the Public.*

The Publiſher perhaps might not deſign ſo maliciouſly, but this alters not the Caſe; whoever reads that Pamphlet, and believes it to be my Lord Angleſey's, *muſt think him not only Knave and Fool, but ſomewhat more. His Intention ſeems only to make the beſt of his abſent Friend, by borrowing his Name to get a Penny, or to ingratiate himſelf with a Party, in Hopes of Preferment, when Time ſhall be; and withal, to let the World know, what otherwiſe they were like ever to be ignorant of, what a Man of Worth and Weight he is. Hence, are thoſe*

* See the Account of the Inhumanity of the *French* this Summer at *Heidelberg*.

† His Hiſtory of *Ireland*, juſt finiſhed, as it were, before his Death.

those so frequent and repeated Praises * *of himself. It is he that knows how softly to insinuate his Notions, with the Gentleness of a Philosopher, that has all the curious soft Strokes of Rhetoric* † *and Reason, and all the Structures of a great Judgment* ‖ *and Fancy; all the Mixtures of great and noble Colours, able not only to prop up the great Characters of King* Charles's *Ministers, but to gild the Pillory for Offenders, whose short Hints, like the slanting of Lightning* §, *or sudden Glances, by their quick Movement, have Power to create the Passions of Love and Admiration. And in short, in the late Conjuncture, while the* Vulgus *of Writers and Lachrimists, were associated* ‡ *in entailing the popular Nusance of Fears and Jealousies upon us, it was he alone who found out the Way to remove them, by predicting, from natural Causes, the happy, future State of our Country; and that the then Fermentation would be perfective to it: Instead of which, had he told us King* James's *forsaking and deserting the Party, that put the Crown upon his Head; the disregarding the Opinion of his People; doing Actions that raised their Distrust, Fears and Jealousies; the Choice of weak and false Ministers; the taking into his Cabinet such as had abjured their Religion; the closeting and tampering with Parliaments, so that the Nation had no Hopes of having any, but such as the Court were very well assured of; the appropriating and taking upon himself the Faults and Miscarriages of his Favourites, and Ministers; and in the midst of all this, the deepest Security and Unconcernedness imaginable, would at length prove fatal to him; the Consequence had certainly been much more natural, and the Event justified the Prediction.*

But how easily might this have been prevented, had he followed the wise Examples of his great Predecessors Edward III. *and* Henry IV. *who, learning by the Misfortunes of* Edward II. Richard II. *and to whom he immediately succeeded, how dangerous the Strains of Power, and Loss of the People's Affections were, did the more carefully maintain themselves, in the good Opinion and Love of the People, by granting them all the reasonable Securities they desired; redressing their Grievances, and removing those (tho' innocent) that were the least distasteful to the Commons, of which we will mention a few Precedents.*

In 15 Edw. III. *Declaration was made, That such as found themselves aggrieved with the King or his Officers, should, upon Complaint, find Remedy: and in the same Parliament, at the Request of the Commons, that the Chancellor, and all other Officers there named, may be chosen in open Parliament, and be openly sworn to observe the Laws, it was Enacted, That if any such Officer died, or otherwise his Place fall void, the King will have the Assent of his Nobles, and such Officers shall be sworn the next Parliament, according to their Petition; and that at every Parliament the King will assume into his Hands all such Offices, so as the said Officers shall answer to the said Objections.*

In 17 Edw. III. *the Commons complain of the transporting the Treasure, the Discovery of the Secrets of the Realm, and that they neither could nor would (they are the Words of the Record) any longer bear so strange Oppressions. Hereupon the Act of Provision was made.*

21.

* Page 4.
† Page 6.
‖ Page 31.
§ Page 6, and 22.
‡ Page 29, 37, and 39.

21 Edw. III. N. 58. *the Commons complain, That whereas diverſe Merchants were ſlain and robbed on the Sea by the King's Enemies of* France, *they which undertook the Conduct may be made come into this preſent Parliament, to make Gree to the Merchants, who by their Default have loſt their Goods: To which the King anſwers, Let Perſons and Places be aſſigned for hearing the Plaints of all that will complain, to the end Right and Reaſon may be fully done to the Plaintiff.*

22 Edw. III. N. 7. *the Commons petition, That all Wool, and other Merchandize, may freely paſs; to which the King anſwers, That the Paſſage ſhall be free, paying to the King his Due.*

So in the 36th of Edward III. *the King conſents to a Statute for the Yearly holding a Parliament* *.

So the 45 of Edw. III. Numb. 31. *when the Commons affirm the Decay of the Navy to ariſe by three Cauſes,* viz. *Firſt, for that ſundry Mens Ships are ſtaid for the King long before they ſerve, whereby the Owners are driven at their Charges to find their Mariners, to their undoing. Secondly, For that Merchants, the Nouriſhers of the Navy, are often reſtrained their Shipping, whereby Mariners are driven to ſeek other Trades and Livings. Thirdly, For that the Maſters of the King's Ships do take up Maſters of other Ships, as good as themſelves are; whereby the moſt of theſe Ships do lie ſtill, and the Mariners are enforced to ſeek new Livings, whereof they pray Remedy. The King promiſes to provide a Remedy.*

Thus alſo in 1 Hen. IV. Thomas Arundel, *Archbiſhop of* Canterbury, *by the King's Command, tells them in Parliament, That it is the King's Will to govern by the Honourable, Diſcreet and Sage of the Realm, and by their common Conſent, and not by his own Will, nor after his own Faſhion to rule the ſame; and further enforced, That this Realm, of any under the Sun, might beſt live of itſelf.*

And in the 5th of Hen. IV. *at the Requeſt of the Commons, the Lords according that four ſpecial Perſons ſhould be removed out of the King's Houſe,* viz. *the King's Confeſſor, the Abbot of* Dore, *Mr.* Richard Durham *and* Croſby *of the Chamber; whereupon,* Saturday *the ninth of* February, *the ſaid Confeſſor,* Durham *and* Croſby, *came into the Parliament before the King and Lords, where the King excuſed them, ſaying, That he then knew no Cauſe wherefore they ſhould be removed, but only for that they were hated of the People, and therefore charged them to depart from his Houſe according to the Agreement; and the like he would have alſo procured againſt the Abbot, if he had been preſent.*

I am the more particular in theſe Things, in Anſwer to that Aſſertion of the induſtrious Mr. Prynn †, *That the Kings created and ſet up meerly by Parliaments, and their own Power in them, without any True and Hereditary Title, have ſeldom anſwered the Lords and Commons Expectations in the Preſervation of their juſt Laws, and Anſwers to their Petitions.*

* *Note,* According to the Practice and Uſage of that Time, a Parliament ſignifies a new Parliament; the Senſe and Meaning of the Law was, That there ſhould be a new Parliament choſe in the Time preſcribed, which appears by this, that from the firſt of *Edward* the Third, to the fourteenth of *Henry* the Fourth, which was but 87 Years, there are yet remaining, beſides what are loſt by the Injury of Time, and Careleſſneſs of Keepers, about 72 Original Writs.

† See *Prynn*'s Preface to Sir *R. Cotton*'s Records, *Sect.* 14.

It

It would exceed the Bounds of a Preface, to go through the reſt of theſe Memoirs. The Drift of the whole, however it be diſguiſed, is to tell the World, in my Lord Angleſey*'s Name, that the Buſineſs of Sir* Edm. Godfrey, *the Firing of* London, *the* Popiſh *Plot, were only Fears, Jealouſies, and Surmiſes* ‖. *That the Evidence did not riſe high and clear enough to charge any* Papiſt *with it, however the Parliament, and a great Miniſter, threw the Guilt on them. But how probable it is that my Lord* Angleſey *ſhould be of this Opinion, that he ſhould believe nothing of the* Popiſh *Plot, that, without Malice, Motive, or Evidence, he ſhould give his Voice for the Condemnation of my Lord* Stafford, *a Perſon he himſelf thought innocent, that he ſhould be, firſt, ſo much a Monſter, and then ſo meer a Natural, as under his own Hand to teſtify as much? Whether all this looks not more like the Fiction and Forgery of the Publiſher, than the genuine Senſe of that great Lord, let every unprejudiced Reader judge.*

HAVING, by the Obligations of your Royal Predeceſſors, to my Anceſtors and me, for ſeveral Generations, laid under the ſtricteſt Bonds of Duty and Allegiance, to employ my Studies, long Obſervation and Experience, for the Furtherance of the Service of the Crown and Weal Public, I could not contrive how to do it better and more effectually, than by offering the ſame to your Majeſty's View and Royal Conſideration, by this Scheme thereof, which is without Intrigue for any Party's Animoſity, of Envy againſt any Perſons, or Deſign of Advantage or Advancement to myſelf, or any Relation or Friends of mine. And the Nature of true Gratitude being to acknowledge and render Service for Favours received, without ambitious Practice or Expectation of further Reward or Recompence, than what ſhall freely flow from your Majeſty's ſpontaneous Goodneſs and Conſideration, how to diſpoſe of your Subjects, ſo as may moſt advance your Glory, and render you a redoubted King to your own People, and highly eſteemed and courted by all your Allies and other Princes abroad, I have ſpent many Hours to do it, in the beſt manner I am able, by the following Diſcourſe; which is not the Reſult of melancholy and diſcontented Thoughts, but of the moſt ſerious and dutiful Conſideration of the preſent State of your Majeſty's Affairs, and how I might beſt ſerve you, in contributing to render your Reign happy and peaceable.

Your Majeſty's diſcerning Judgment cannot but perceive, of what high Eſteem with all your People, the wiſe and proſperous Government of Queen *Elizabeth* over theſe Kingdoms is to this Day; and by what able Counſellors (generally the Choice of her own Wiſdom and Knowledge, not private Inclinations or Reſpects) ſhe ſwayed the Scepter thereof, during a long Reign, to the univerſal Satisfaction of her Subjects, and her great Honour over all the World: And how in her Time ſhe made the right Uſe of Parliaments, (her great Council) delighting in the Frequency and Faithfulneſs thereof, and in the Unanimity of her People, whereof that moſt honourable Aſſembly well managed, will ever be the ſureſt Bond to your Majeſty and all your Succeſſors. In her Time *England* flouriſhed; Religion, the Darling thereof, proſpered, and was firmly ſettled; none durſt attempt Incroachment upon the Rights and Liberties

‖ Mem. *P.* 112.

berties of the Subject: The Laws had their uninterrupted Courſe, and the ſeveral Benches were ſupplied with moſt able Judges, who held it their Honour and Duty to ſerve that renowned Queen, on the Profits ariſing legally by their Places, without further Charge to the Crown, or Reward, but Advancement to higher Degrees, after long and faithful Service, which the Queen was a great Obſerver and Judge of. Your Majeſty's Royal Grandfather King *James*, as he followed her Steps, continued moſt of her Council, built upon the happy Foundations ſhe had laid; had a proſperous and peaceable Reign, without other Interruption than what aroſe by Heats between his Majeſty and ſome of his Parliaments, which it is ſome Blemiſh on that Time, that they were not managed ſo dexterouſly as they had been in his Predeceſſor's Time, and was an Introduction to ſucceeding Miſchiefs.

Your Majeſty's Royal Father was under ſome Impreſſion from the ſame Cauſe, and by the long Diſcontinuance of Parliaments, Diſcontents encreaſed, Jealouſies were fomented, and Affairs by ill Miniſters, and the unhappy Accidents, and Juncture of the Times brought to ſuch a Criſis, that when a Parliament was called, in the ſeventeenth Year of his Majeſty's Reign, and ſoon diſſolved in Heat and Diſſatisfaction, the Neceſſity of Affairs, and intervening Misfortunes, and unhappy Circumſtances, ſoon brought on the great Council of the Peers; and by their Advice, as the only Remedy for growing Evils, and to prevent impending Miſchiefs, another Parliament was called and ſat the ſame Year; but by an unadviſed Act therein paſſed, derogatory to the King's Prerogative, relative to Parliaments, and temporarily changing the very Conſtitution thereof, a Foundation was laid for thoſe Diviſions and Miſeries which enſued, and ended not with the Ruin of that Parliament, and the Deſtruction of that great Prince, to the high Diſhonour of the *Engliſh* Nation; but were continued by many Changes of Hands and Powers, 'till, by the wonderful Providence of *God*, and Love and Duty of your Subjects, your Majeſty was (by a Parliament, aſſembled as the Neceſſity of the Time required, by your honeſt Subjects uſurping that incommunicable Prerogative of the Crown, for the Reſtitution of Monarchy itſelf) called Home from your Baniſhment, and reſtored to the Throne of your Anceſtors, with the greateſt and moſt unanimous Joy and Acclamation of your People, that had been in any Age or Kingdom. And your Majeſty has reigned many Years ſince, fond of, and in love with, Parliaments, and received thoſe Marks and Effects of their Affection and Freeneſs to your Majeſty, by the Settlement of a large Revenue, and otherwiſe, which all your Predeceſſors, from the very original of Parliaments put together had not done; to the Envy, no doubt, of all other Kings and Princes, eſpecially of the ancient Enemies of *England*.

The unhappy Interruption that ſeems to be of late to thoſe halcyon Days, and the Occaſions thereof, are Secrets of State which none muſt preſume to be bold with, 'till your Majeſty's Royal Heart, which cannot but be touched with a juſt and ſad Senſe thereof, ſhall incline to call for ſerious and free Councils thereupon; by which it is not impoſſible to be informed how the Change hath come, and by what means your Majeſty's Reign may continue ſuitable to thoſe Beginnings and former Happineſs, 'till the aged Concluſion thereof, which all your good Subjects wiſh you.

Towards this, nevertheleſs, as far as I may adventure in generals (and out of an honeſt and dutiful Mind) without being called, give me leave to unburthen my Soul to your Majeſty, as followeth:

I know nothing more inclines a People to reverence and admire their King, than to ſee his Affairs, ſo governed, that he needs not the Supplies of his Subjects; and that he lets them find, that he is ſo far from a Mind to invade their Liberties, or to advance his own Condition and Greatneſs by the Diminution of theirs; that he counts himſelf in this happy, above the moſt abſolute Monarchs; that he is King of a rich, free, ſtout, and mighty People; and that he takes content, bountifully to expend his whole Royal Revenue (as your Majeſty doth, tho' it be *double* to that of any your famous Progenitors) for the Honour, Greatneſs, and Safety of your Kingdoms, and in Bounties to your Subjects; wherein if your Majeſty hath exceeded (to the contracting of a troubleſome and dangerous Debt) Counſels ought to be offered how you may be extricated, and Supplies come from your Subjects in Parliament, not as the Fruits of Practice and Importunity, but as grateful Returns for benign and good Government, as they were in the Time of Queen *Elizabeth*.

Towards the accompliſhing hereof, your Majeſty may pleaſe to conſider, and be informed, by means that may be offered, of all the particular Bounties and Favours that have flown from you, ſince your Reſtoration:

And have a Book prepared for you, as King *Henry* VII. a wiſe Prince had, of all that have merited from, or been obliged and rewarded by, the Crown; which your Majeſty may conſult as a Guide to you, additional to your perſonal Knowledge of Men (which is greater than any your Predeceſſors had) before you reſolve on any Grant or Bounty; wherein none ought to importune the King, but leave him to his own Time and Conſideration; elſe the Condition of modeſt Men will be deſperate, and the boldeſt Beggars (tho', perhaps, the unfitteſt Perſons) will be the ſureſt Speeders. Princes, through their bountiful Inclination and Uneaſineſs at Trouble, being more ſubject to be wrought upon by Importunity than other Men; but when your Majeſty upon Deliberation hath ſaid the Word, let it be ſacred and unchangeable, except upon juſt Cauſe avowed to the Party's Shame.

In my Time, many are grown to great Eſtates, under your Majeſty's Royal Father and yourſelf, and many are in a Courſe to arrive at the like, whilſt your Majeſty ſinks into a Debt; from ſuch you may confidently require diligent and faithful Service and Care, to eaſe your Majeſty, and do your Work; ſo that your Honour and Dignity may be ſupported, and ſo that all your Subjects may ſee and rejoice, that you have conferred your Favours on ſuch as render themſelves worthy thereof, and eaſe the great Pains and Troubles that attend ſo weighty a Crown as your Majeſty's is, to which their Duty, as well as Obligations bind them; and the Strife among them ſhould be only, who ſhould ſerve ſo good a Maſter beſt. I am ſure I will have no Difference with, nor offend any of them, but upon that Account; and therein I ſhall never doubt of Protection and Countenance from your Majeſty as far as I am truſted.

I know your Majeſty hath received much Diſquiet, by the Attempts to weaken or ſhake the *Legal Succeſſion* of the Crown, againſt your Majeſty's declared Reſolution to the contrary; and cannot forget that I have often aſſured your Majeſty,

Majesty, such Endeavours will be best diverted by wise and gentle handling of Parliaments, and the right Use of your House of Peers, in such Contests, wherein I have and shall ever be ready, in a Parliamentary Way, to do your Majesty all the faithful Service I am capable of, and to find out such Expedients, as may satisfy your People, that their Religion and Liberties may be secured by *other* Ways, that shall neither displease nor discompose your Majesty, nor so much as raise in you a Jealousy, that there is the least Aim to invade your Prerogative, or give you Disquiet or Disturbance.

It is within my Memory, that the great Case of *Habeas Corpus*, the Business of the *Loans*, *&c.* were bandied in Parliament, *viz.* in the third Year of your Father's Reign, which produced the *Petition of Right* to be made a Law. After that, the Case of *Ship-Money*, which, for more Assurance, after Judgment in the House of Peers against it, by their ordinary Authority and Power of Judicature, was branded and condemned by Act of Parliament as illegal and arbitrary, and all the Judges questioned for their extra-judicial Opinions; and yet, in this Case, not only his Majesty's learned Council, but all the Judges, upon a Case stated, were unanimous for the King's Right; but being drawn, *Ex parte* (as the other Cases were also) it was very easy through Fear or Weakness of Judgment, or Want of the due Ventilation and Digestion, that Causes of such Import were wont to have, after many Days, hearing of Council on both Sides, and Arguments at the Bar and Bench, to engage in Mistakes; which, therefore, afterwards came to a publick Disquisition in the Court of *King's Bench*, and by Writ of *Error*, in the *Exchequer-Chamber*, upon the Opposition of private Subjects, who would not sit down in a Case of that Consequence, where they conceived and were advised the Right lay on their sides, against the Opinion of the Judges; who being pre-ingaged by ex-judicial Opinions, had before both in the *King's-Bench*, and all the Judges of *England*, except three or four in the *Exchequer-Chamber*, upon the Writ of *Error*, given Judgment against the Subject, yet, by the Division of the Judges, when it came to be an *Exhequer-Chamber* Case, (which I heard entirely) and the free and learned Arguing thereof, and View of the Records, for supporting of the Liberties of the Subject, the Eyes of People were so opened, that the Opposition to the Payment of it grew general; and the first Parliament, which was called after, (as is before mentioned) put an End to that Controversy forever. The Progress and Conclusion of this Case, ought to sway with your Majesty, to be wary and circumspect in all Cases of Law for the future, that are not warranted by known Law and Practice, appearing upon mature Consideration and Debate. For here was more than ordinary Caution used, before the King would impose a new Burthen upon his Subjects, though his Necessities were, by the long Discontinuance of Parliaments, and intervening Accidents, very great: And he had better Vouchers, than are ever like to be had again in a Controversy, between the King, and the Subject; and yet all came to a sad Reckoning, and raised Jealousies, which are not quite extinguished to this Day; and which, by Attempts in new Cases, which draw Consequences that will raise Apprehensions of Insecurity to the Subject, may unhappily revive. I have always thought it more dangerous to the Crown, by Colour and Pretence of legal Authority, to do a Thing of general and standing Import and Alarm to the Subject, than without Consideration to do transient Acts of Violence, which I am well assured your Majesty never will.

And your Majeſty having, not only by your Coronation Oath, (at which I was preſent) legally and ſolemnly obliged yourſelf to the Laws and Cuſtoms and good Government of *England*; but by many *Declarations* ſince in Parliament, and otherwiſe, to the great Satisfaction of your People of all Degrees, removed the Apprehenſions ſome had taken up to the contrary, and are by too many ſtill retained and improved, from the late unexpected Diſſolution of diverſe Parliaments, and their proving abortive,

I cannot but in Zeal to your Majeſty's Honour and Safety, and that it may not be in the power of any wicked Inſtruments to foment Jealouſies, or to raiſe Doubts any longer, humbly beſeech your Majeſty (ſince it cannot be ſuppoſed, that your Majeſty is ſkilled in the Knowledge of all the Laws) that in all Caſes of Difficulty, and which are not of ordinary Cognizance and Practice, but ſuch, wherein the Lives, Liberties and Properties of your Subjects in general may be concerned, your Majeſty, to the End you may perform what you intend to your People, will require the Debates and Advice of your Council at Law, and your Privy-Council, before your Majeſty be engaged in Points of Law, that upon further Conſideration and Trial will not hold, but raiſe Diſputes and bring Blemiſh upon your Majeſty's Proceedings; which elſe muſt light upon thoſe whoſe Duty it is faithfully to adviſe your Majeſty, and within the Bounds of your Oath and legal Pleaſure, ſo often declared.

The late War between your Royal Father and his Parliament, was as little expected (as any is now) to ariſe in this Kingdom; but it came on inſenſibly, and by Degrees, and the intervening of unlooked for Accidents, until it raiſed a Current that carried all before it, and had a dreadful Progreſs and Concluſion; yet the Riſe of it was but Fears and Jealouſies (no bigger I may ſay than a Man's Hand viſible to us) whatſoever might be in the Womb of Providence. It is true no arming or gathering of Forces now appears; there is no Parliament in Being, nor Act in Force, for any to continue until they will diſſolve themſelves: But the ſame *Engliſh* People which they were wont to repreſent, live in their own Houſes, claim their good old Laws and Liberties, and are watchful over them: Who knows what the preſent licentious *Paper-War* may produce? It is come to open quarrelling already, and Quarrels bring Bloodſhed. The Scene is only changed, from Skirmiſhes and Battles in the Fields, and Sieges of Cities and Towns; it is come now to Contention in every Houſe, to Altercations and Fightings between Sheriffs and other Officers, Grand Juries and Petty Juries; and they and the Courts of Juſtice, who by Law are the Conſervators of our Peace, are engaged in the Quarrels, and Verdicts are found, and Judgments given, as the litigant Parties exceed one the other in Power and Practice, more than by the Merits of the Cauſe, which engageth almoſt the whole People of one ſide or other in every Caſe.

So that now Juſtice hath loſt it's old, deep, ſtill Channel, and all Cauſes are carried by a fierce, impetuous Torrent, which in Time (if not diverted) may break all our Banks, and prove a general Inundation; for it is come to this already; that all Reverence to miniſterial Officers, Juries, and Judges, is loſt; and there is now no Caſe of Moment, almoſt, wherein there is not muſtering of Parties; and inſtead of Parliaments, Appeals are made to the People, who can neither meet nor judge in a Body, and therefore end all Controverſies, by quarrelling.

quarrelling Parties, whoſe Judgment, if it were legal, can neither be known nor executed but in Parliament, where the collective Body of your People meet by Repreſentation, and where theſe ill Symptoms of a divided and diſtempered Kingdom, can only hope for and receive a Cure, which *God* and your Majeſty grant.

The Oracle of Truth hath ſaid, *That a Kingdom divided againſt itſelf cannot ſtand.* Things frame as if it were the Deſign on all Hands, to increaſe and foment Diviſions, inſtead of pacifying them; whence elſe is the intolerable Licence of giving Nick-Names, and Marks of Diſtinction and Reproach to one another, to challenge and publiſh Chartels of Defiance, to ſcuffle and fight in the very Streets and Coffee-Houſes; and the Diſſenters in Religion blamed and ſuffer for all this, as of Old the Cry was, *Chriſtianos ad Leones*, when there is ſuch a general Ferment of Rancour and Malice throughout the Kingdom, as is never like to be removed, but by ſuch Remedies as ſhall be offered before I conclude.

To the diſcompoſed Eſtate of your Majeſty's own Kingdoms, the disjointed and dangerous Condition of *Chriſtendom*, by the over-grown Greatneſs, and uſurped Dominion of the *French* King over other Princes and States, doth not a little contribute; and when he ſhall have Leiſure and Power to finiſh his ſecret Councils and Intrigues, to corrupt and engage in his Deſigns your Majeſty's diſaffected or ambitious Subjects, or prevail with your Majeſty to believe that his Purſe or Power and ſtrict Friendſhip with your Majeſty are neceſſary, or but probable Means to ſupport your Crown and Dignity, and bridle the Subjects which his Artifices and Inſinuations have raiſed a Jealouſy of; it will occaſion ſuch a Paroxiſm, and ſuch Convulſions in the State, as may dangerouſly ſhake and hazard the Peace of your Kingdoms, if not render your great and renowned Government a Prey to Foreigners.

But the fatal Cauſe of all our Miſchiefs, preſent or apprehended, and which, if not by Wiſdom antidoted, may raiſe a Fire which will burn and conſume to the very Foundations, is the unhappy Perverſion of the Duke of *York* (the next Heir to the Crown) in point of Religion, which naturally raiſes Jealouſy of the Power, Deſigns, and Practices of the old Enemies of our Religion and Liberties, and undermines and emaſculates the Courage and Conſtancy even of thoſe and their Poſterity, who have been as faithful to, and ſuffered as much for, the Crown, as any the moſt pleaſed or contented in our impending Miſeries, can pretend to have done.

In ſhort, though the ſupreme Wheel of Providence muſt be owned in all that is or may come upon us, yet every one ſeems to be at Work to dig the Kingdom's Grave; and if *God* hath determined our Confuſion, the leaſt accidental Diſorder will too naturally bring Things to a general Complaint and Quarrel about Religion, Laws, Liberties and Properties, unleſs, before the Gangreen ſpread further, it be, by competent and wiſe Council and ſteady Government, made appear, that all theſe are ſecured paſt the Fear or Apprehenſion of all good and prudent Men, and thereby that Handle of Contention wreſted from the Enemies, foreign and domeſtic, of our Religion and Peace.

Towards the attaining that wiſhed-for End, and the delivering us from our Diviſions and Fears, and rendering your Majeſty and Kingdom ſafe, glorious, and

and happy; I ſhall now ſet before your Majeſty the moſt proper Means and Remedies that occur to me, upon the moſt ſerious Conſideration.

1. To begin with Parliaments, where your Majeſty is in your greateſt Glory, and your Kingdom in its greateſt Strength, Activity, and Uſefulneſs: Your Majeſty, by your many Declarations of your Love to and Delight in them, and Reſolution of frequent aſſembling them, hath ſet ſuch an Edge upon the Spirits of your People (ever fond of Parliaments) that Hope deferred will make their Hearts faint, and raiſe Jealouſies which may breed ill Blood before their Meeting. But, preparatory to a better Underſtanding, it were to be wiſhed, that the licentious Liberty now taken to aſperſe the Memory and weaken the very Conſtitution and Power of Parliaments, were ſeaſonably diſcountenanced and corrected. The blaming and reprehending of Parliaments, or either Houſe thereof, is a peculiar Prerogative fit for your Majeſty alone (who are the Head of them, and whoſe great Councils they are) and which is to be exerciſed according to the Example of your Majeſty's moſt wiſe and proſperous Predeceſſors only in Parliament-time, when they may be heard and acquit themſelves; or any Slips, Errors, or Faults that ſhall appear, may be reformed, amended, or redreſſed; or in Caſes diſputable, new Remedies applied to prevent future Conteſts. And as the People in general, out of Parliament, have no Authority herein, much leſs a Part of them; ſo I count it of very pernicious Example and Conſequence, and no ways ſerviceable to your Majeſty, by whomſoever encouraged, that any Numbers or Degrees of Men, have preſumed (under what Colour ſoever) to trample upon the Honour of diſſolved Parliaments, and arraign their Proceedings, which are only to be examined and judged by Parliament, who can alone rectify the ſame, if found erroneous and unwarrantable.

And I heartily wiſh this Innovation may not prove one of the greateſt Obſtacles to a good Intelligence, the next Parliament, and that it may never be queſtioned with too much Heat and Reſentment; which whoſoever ſhall be choſen to ſerve therein, may think it their Concern to do effectually, for the Safety and preſerving the chief Privileges and Rights of Parliament, which are Freedom and Protection (ſo that none may entertain and vent diſhonourable Thoughts of them, to the Violation of their good Names or Perſons) and an Exemption from being queſtioned or impeached in any other Court or Place, but in that, the only Supreme Court of the Kingdom.

2. It will be your Honour and Safety, to encourage and employ your ancient and deſerving Nobility and Gentry, whoſe Intereſt in their Countries will be of more Uſe and Avail to your Majeſty, than all the bold and confident Undertakings of thoſe, who ſeek themſelves chiefly in all their Pretences of Love and Duty to your Majeſty, and really weaken and diminiſh the Admiration, Affection and Eſteem, which otherwiſe (from your gracious and wiſe Government) your Majeſty may have with all your People, who are the moſt dutiful and fond of their Prince in the World, if well and kindly uſed, as the moſt turbulent and fierce under the Sun, if, by ill or unſteady Management of Affairs, and too much ſubjecting of them to the Will and Humour of their Fellow-Subjects, and the Oppreſſions which their too much preſuming on his Favour brings upon them, which they eaſily diſcover (being a diſcerning People) they find themſelves transferred from the Clemency, Bounty, and Kindneſs of

their Sovereign, and abandoned to the Pride, Malice, and imperious Arbitrarineſs and Will of thoſe who are but Subjects as well as they, and who want that natural Affection and Tenderneſs, which their Sovereign Leige Lord cannot but retain towards them, and whoſe Wiſdom (which *God*, who advanceth them to the Throne, uſually endues them with) muſt needs perſuade him, that he is weakened and made a leſs Monarch, by Loſs of the Love and Duty of his meaneſt Subject.

3. The two great Inſtruments of Government, with which your Majeſty, in Right of your Imperial Crown, is ſolely entruſted by the Law, are Reward and Puniſhment. Let the firſt be always diſpenſed freely, as your perſonal Knowledge, or the beſt Information that may be had, ſhall guide you, by your own immediate Hand, that others may not receive the Thanks and Dependance due to you alone.

Sir *Henry Sidney*, (Great Sir *Philip*'s Father) who was Lord Deputy of *Ireland* many times, and my Great Grandfather Sir *John Perrot*, who ſucceeded him in the ſame great Charge and Truſt, and diverſe others, though they refuſed not to ſerve your Predeceſſors, yet grew weary of the Place, when in thoſe troubled and dangerous Times, they were forced to ſpend of their own, to ſupport the Dignity and Honour of the Crown. Such as ſerve your Majeſty ſo, in Expectation of future Regard to be had to their Deſerts, ought not to be forgotten, when higher Preferments, or more profitable, permanent, and eaſy happen, than thoſe they ſerved in with Submiſſion and patient Expectation. Nothing is more diſcouraging and offenſive to the Generality of Subjects, than to ſee Men riſe *over-haſtily*, and before their Merits are known, or taken Notice of, perhaps whilſt their Demerit hath brought them into Diſeſteem; whereas, thoſe that are advanced by juſt Degrees, and are ſeen ſhining in Merit, before they are clothed with Honour or Preferment, rejoice the Kingdom, and are no more maligned, than thoſe who have ſerved their Apprenticeſhips, and come to be Lord Mayor.

Thus, in the beſt Times, Men have riſen in the King's Houſhold, and in other Eſtabliſhments, from low Degree, and after long approved Service and Faithfulneſs, to high Preferment and Truſt. And this encourageth Induſtry and dutiful Service, and is a Bond of Safety; whereas *bought Preferment*, or attained by *ill Arts*, is odious and dangerous to the Maſter; and when *Money* is the *only* Qualification, People *mind ſolely how to come by that, let the Means to compaſs it be what they will.*

As for the other, which is Puniſhment, let your Majeſty's Love and Clemency to your People make it appear to proceed from you unwillingly and of Neceſſity, for the Support and ſtrengthening of Government, and be ſo executed, as that it may not ſeem, or ſo much as be ſuſpected, to come from any Principle of Cruelty, or Delight in the Preſſures or Fall of any Perſons. The known Clemency of a Prince, and Inclination to Mercy, doth more to oblige Subjects, than the ſtrongeſt Impreſſions of Dread or Fear; it being natural to the verieſt Worm to turn again, if he be unmercifully trod upon; and Deſpair to pleaſe, or cauſeleſly conceived Jealouſy, many times occaſions the Loſs of moſt uſeful and honeſt Servants.

4. I know your Majesty to be a great Patron of the Church and Church-men, and therefore, for their Sakes (who are seldom wise for themselves) I presume to implore, that you will never countenance any of them that shall *busy* themselves with Matters of *State* and *Government*, out of their Sphere. In all my Reading and Experience, I find, that in the most dangerous Disorders and Revolutions of the World, they have ever had a *principal Hand*; when their chief Work should be to pray for and promote the Peace of Church and State, in the Calling *God* hath set them. And it never yet came under my Observation or Knowledge, that any Kingdom was happy or prosperous, where they had too great an Influence, since the primitive Time and Zeal, nor that ever it succeeded well to themselves, or gained upon those under their Charge, when they shewed themselves active in *Temporal Affairs*, having a Calling competent to employ the whole Man, and are to give themselves to all Diligence and Piety, wherein they are promised a Blessing; as their great Master hath warned them, that *his Kingdom is not of this World*; and that they should not fight, nor strive, nor entangle themselves with the Affairs of this Life. It is observable, what the pretended Power of *one* to do so, *In ordine ad Spiritualia*, hath brought the World to, and how difficultly Encroachments of that Tribe are removed; your Majesty is not to scruple the distinct and incommunicable Exercise of that Authority which the Law gives you, and all your People have bound themselves to acknowledge your Peculiar.

It is a hard Imposition on your Majesty, that you should (who are the Father of your People) be called upon to imprison, confiscate, banish, or otherwise afflict and distress any of your peaceable and industrious Subjects, because others take upon them (by what Right let them consider) to denounce them *excommunicate*; that were to punish their Bodies, because their Souls are punished; for the Clergy cannot so much as pretend a Power to go further. And the Magistrate hath little Reason to hearken to those Clergymen, who are so diffident of their pretended Authority, that though they cry up the Power of the *Keys* as their Office, yet when they have done, yield it to be so uneffectual a Shadow of Power, as can do nothing without the Civil Magistrate's Force, below whom it is to be debased, to be the *Clergy's Executioner* in punishing, before he have tried the Cause. The Magistrate that seeth a Man *excommunicated* for his Fault, should rather delay his Civil Force against that Man, to see what Effect his *Excommunication* will have; for the Conjunction of the *Sword* with the *Excommunication*, makes the Fruit of it undiscernable, so that none can see whether it did any thing at all, or whether all was done by the Fear of the *Temporal Sword*. And to force Ministers to absolve or give the *Holy Sacrament* to such as had rather take it, than lie in Goal and be undone, is to set up such new Terms of *Christian Communion*, as *Christ* never instituted, nor will approve, Church-Communion being a Privilege due only to Voluntiers and true Penitents.

It were worthy your Majesty to recommend for the Clergy's Practice and Experience, the Grace of *Self-Denial*, they preach to others; for generally none live more easy and pleasurable Lives than they, instead of the primitive Austerity, Mortification and Piety; or less pity or oppose Differences and Disorders; well were it if too many did not foment and encourage them. These

Things

Things have brought that Contempt upon many of the Clergy, that I am ſorry to ſee, who remember the Times, when for their unblameable Life, painful Diſcharge of their Calling, Hoſpitality, and Watchfulneſs over Men's Souls, thoſe of their Flocks thought nothing too much, and were ready to pull out their Right Eyes for them.

5. As a prime Foundation of your Majeſty's Greatneſs and Honour, let the Settlement and Increaſe of your Majeſty's Revenue be laid to Heart. I have often ſecretly lamented to ſee your Majeſty, who have the greateſt and ſureſt Revenue of any Potentate in *Chriſtendom* but one, many times brought to ſuch great Streights by the ill Management thereof, that I know not whether your Majeſty did not enjoy yourſelf more in the Time of your Exile, being deprived of all your own, than you do now; and your Servants and Followers better contented with Hopes and Expectations, than they are now with their lank Enjoyments, Retrenchments, and Suſpenſions.

Towards the Redreſs hereof, ſuch ſhould be ſought out and encouraged, that are able and willing to improve your Revenue to the beſt Advantage, without greedy Purſuit of their own private Gain; ſuch Men, no doubt, your Majeſty's Kingdom doth afford, and may be found; and by a juſt Calculation of the vaſt Eſtates ſome have raiſed to themſelves, by a looſe, low, and deſpicable way of ordering it, it will appear how and by what Means your Majeſty becomes poor, whilſt others wallow in your Riches; and what a vaſt Detriment you are at, till this great Work be vigorouſly taken in hand, and regulated, by which, no doubt, your Revenue may be raiſed to ſome Hundred Thouſands of Pounds Sterling, above what it now amounts to. Let me bear the Diſgrace of being accounted an Impoſtor, if I evince not what I have ſaid; and then your Majeſty will be the beſt Judge how you have been ſerved ſince your *Reſtoration:* Though I accuſe none that have ſerved you hitherto, but deſire all Errors and Failings may be remitted and forgotten, upon Condition that they who have had the Misfortune (to give it no worſe a Character) of coming ſhort of doing your Majeſty that Service which is now propoſed, may, with Patience, and without Envy or Practice, ſee you better ſerved by others for the future.

The ſhrunk Sinews of your Government being thus enlarged and ſtrengthened, and the Deſign appearing certain to your Majeſty, I do humbly propoſe,

I. That the Greatneſs of your Houſhold may be reſtored to that of your moſt renowned Predeceſſors; this will indeed advance your Honour and Eſteem both at Home and Abroad. I who have lived to ſee the great Hall of the King's Houſe, and his Cellars, Buttery, and Pantry, full of Strangers at Dinner, and between Meals, have been heartily aſhamed to ſee the Times, when a Dinner, or a Cup of Wine, is hardly to be had for the beſt Gueſts; nor ſo much as Food for his Council, and other great Perſons that attend in Progreſs, and when the Court is in the Country. When in Parliament your Majeſty had a full and ample Recompence given you for Purveyance, and which will more than doubly ſupply the want thereof, it was little expected Things would come to this Paſs: But though there was then no appropriating of the Hereditary Exciſe granted in Recompence, their Intention that it ſhould be ſo applied did ſufficiently appear, and hath been generally expected,

II. The plentiful Proviſion for your Houſhold, having ſet your Majeſty and Family at Eaſe, the ſecond Thing to be cared for, is the Security of your Majeſty and Government, by a well eſtabliſhed Proviſion for your *new Guards*, till the unanimous Love of your People, which I will not deſpair to ſee, may make your Majeſty judge it a *ſuperfluous Charge*, and the *old Guards* your Majeſty's Anceſtors were *ſafe* in, with the *united Affection* of all your Subjects (which you will deſerve as well as any that ever ſwayed the Scepter of this Kingdom) ſufficient.

III. To uphold your Sovereignty of the Seas, and to procure your Majeſty's being feared and redoubted abroad, and your Subjects accounting themſelves ſafe at home; and in their Trade and Commerce to all Parts of the World, whether they ſhould carry your Name and Fame, nothing will contribute more than a *powerful* Fleet, which the Circumſtances of Affairs, and the Change thereof in that Point all the World over require, ſhould much exceed thoſe of your Predeceſſors, though they ever claimed the Dominion of the Seas; and that the beſt Uſe may be made thereof, and with beſt Huſbandry and moſt Certainty, that your Store-Houſes, Yards, and Wharfs, may be timely repleniſhed with all war-like Proviſions and Neceſſaries whatſoever, for the ſpeedy ſetting out of Fleets to Sea, and your Ships kept always in good Repair for that End; without which, ſuch Surprizes may happen as we have formerly felt, and Occaſions for Service never again to be recovered, may be loſt, both being equally diſhonourable and miſchievous to your Majeſty and Kingdoms.

IV. The next Thing to aſſure the Obedience of your Subjects, and to advance your Majeſty's Honour and Eſteem among all, is to provide that the Courſe of Juſtice may run uninterrupted; this being the chief End that the Chief Magiſtrates, or Kings, are advanced above their *Brethren*, and have a divine Stamp ſet upon their Authority, as a Bond of Awe and Obedience. In order hereunto, let your Majeſty's principal Care be to chuſe freely the moſt able and honeſt Men, and of the greateſt Integrity, for Judges in all the Courts; they who puniſh others had need be very unblameable themſelves; and here it ought to be well conſidered, whether, of all Perſons, Judges ſhould not hold by the freeſt Tenure, and enjoy their Places *quamdiu ſe bene geſſerint*, at leaſt, and never be diſcountenanced or diſplaced, but upon good Proof of Crimes or Offences, which render them unworthy that Truſt and Dignity, and their Puniſhment for which will rejoice your Subjects: They, of all Men, ought to be placed above the Temptations of Hopes or Fears, as much as is poſſible; then Judgment will run down like a Stream, and Righteouſneſs like mighty Waters.

And where Juſtice is to flow immediately from your Majeſty, as towards all Officers and Domeſtics, that hold by no Tenure but your Royal Pleaſure, Care would be taken of every Step leading thereunto. Pick-thank Informers and Sycophants, are the worſt Inſtruments that can get into Princes Courts; but if they do, they are not to be admitted to the King's Ear; nevertheleſs, if Intruders happen, let your Majeſty be ſo upon your Guard, that no Man be undermined, borne down, or ruined by a *Whiſper:* It is but Juſtice for your Majeſty to *hear* a Servant you have eſteemed, or perhaps rewarded as faithful, before you condemn or grieve him, or to make way, it may be, for a worſe Prejudice

judice yourself, and undo him and his Family; such Errors, many times, cost Princes dear; and your Resolution being known, to hear before you judge, you will be delivered from Tale-bearers and mean Spirits, that have not the Courage or Honesty to avow the Accusations they make; and when just Complaints are brought before you, by honest and owned Informations, your Majesty may be Judge yourself; whereas, otherwise your Majesty is but made the Executioner of vile Men's Malice, Villany, or Ambition, and your best, and most useful and faithful Servants may be *whispered* from you, and your Majesty left in the Hands of those, who, for Ends human Frailty and designing, ambitious Men are subject to, will not spare to ruin or betray your Majesty for Advantage, the same secret Way they destroyed their Fellow Subjects unseen.

Whereas, those who intend your Majesty real Service, will openly, and like Men of Honour (who fear the Frown of no Man) charge the Guilty for Justice sake.

Another main Branch of Justice is (that you may be King of *all* your Subjects Hearts) to find out Ways to unite your People, and for that happy End, to avoid countenancing *divided* and *dividing* Addresses, and *Invasions* upon the Liberties and Franchise of your People, granted by your Royal Predecessors, or yourself; especially when the Train and Design of them is visible, or hath its Rise from your own Court, or tend to foment Heats and Discontents, and raise Jealousies.

The great Lord *Bacon* Viscount St. *Alban*'s, who was not only a wise Statesman, but Lord Chancellor of *England*, adviseth the King to be of no Faction or Party, but to make use of and be above all, if any be in his Kingdom, or they will much prejudice his Authority and Business. If any great Man, or others, be suspected, on good Grounds, guilty of dangerous Practice or Crime, let the *Authority of the Law*, and not the *Cry of the People*, (whether by Art or Inclination drawn to it) bear them down, who bawl *Hosanna* and *Crucify*, with equal Zeal even against their Saviour; better it were that ten Malefactors escape, than one innocent Person should suffer by Practice, Injustice, or Violence.

I should rejoice to see your People unanimously kind to your Majesty, but for any to pretend it in Diminution of better Subjects than themselves, and in Ways provoking, offensive and reproachful, tending to the Disquiet of your Majesty, and Disturbance of the Peace of the Kingdom, all good and wise Men from their very Souls abhor, as Time will shew, when this Land-Flood of Contention and Humour, if not Jesuitical Practice, hath spent itself, which it will soon do, if not dangerously kept up and countenanced; in which Case, as *a Kingdom divided against itself cannot stand*, so, if my Fears upon such Intrigues succeed till the Breach be wide as the Sea, I have delivered my own Soul by this timely Warning, which I hope you will graciously consider. And the working Pens of *Libellers* being daily at work, to undermine our Peace, and foment Divisions, not unlikely employed by the worst Enemies of this Kingdom and Government, it will be the highest Recommendation of your Majesty's Kindness to, and Care of your People, that this foul Common-Sewer of distempered Brains and tainted Hearts, be diverted or shut up, lest it infect and poison the whole Kingdom past Recovery, and render the happiest Church and State in the

World, a Scorn to Fools. And to prevent ſo great Miſchief, it will be as glorious in your Majeſty, to diſcountenance even the *Libellers*, boldly pretending to write in Support of the Crown (which, *God* be thanked, ſtands as unſhaken upon your Majeſty's Head, as upon that of the greateſt of your Anceſtors) as to puniſh others upon vain Pretences, taking the ſame Licence; ſo that the Silencing and Confuſion of *all Libellers*, as far as *the Law will warrant*, may be one happy Effect of your Majeſty's good and powerful Government; and when the Make-bates and Sowers of Diviſion ceaſe, then mutual Love may be reſtored.

V. The laſt Thing I ſhall trouble your Majeſty with, is concerning the provident Management of your Revenue, which will be the greateſt Help to keep all the Parts of your Government in order.

I know well, and can make it manifeſt beyond Contradiction, that *vaſt Reducements* may be made of your Charge in *England*, to general Satisfaction, and with the Diſcontent only of greedy Officers and Suitors, whoſe Places may be better ſupplied of meritorious Perſons, or their Iſſue, who being entailed to the Crown by former Favours to them or their Anceſtors for juſt Merit, muſt be accounted better and ſtronger Supports to your Majeſty, than thoſe whoſe Ambition or Covetouſneſs makes them croud the Court; yet never to entail your Favours to any will beget Diligence, and raiſe Expectation in your Followers and Dependents.

I beſeech your Majeſty to conſider, what great Things the Crown of *England* hath done in former Ages, with its own bare Revenue, and by the Love of its Subjects, both in *England*, *Ireland*, and foreign Countries; how your Majeſty comes now to be in pinching Wants, and none of thoſe great Undertakings upon your Hands, is fit to be enquired. One Thing is obvious to me, which will perſuade that other Inſtances of ill Management and Miſpence may be produced. Your Majeſty ſpends now yearly in *Ireland*'s full Peace, more than ſerved to defray the Charges of the Crown, in the greateſt Rebellions of the *Oneils*, *Tirones*, *Deſmonds*, and others; nay, I want not good Warrant to aſſure your Majeſty, that the chief Governor's Profits alone in that Kingdom, amount to more now than maintained the Government of *Ireland*, both in the Civil and Military Eſtate thereof, in ſome of the troubled and dangerous Times of that Kingdom; and hath incident to his Office diverſe Favours, Civil, Eccleſiaſtial, and Military, to oblige your Subjects both great and ſmall with, which ſhould moſt properly be diſpenſed by your Majeſty's own Hand, to weaken Dependance on Fellow Subjects, and fix greater and ſtronger on your Majeſty.

To conclude, Though your Majeſty is in your own Perſon above the Reach of Law, and Sovereign of all your People, yet the *Law is your Maſter*, and Inſtructor how to govern; and your Subjects aſſure themſelves, you will never attempt the enervating that Law by which you are King, and which you have not only by frequent Declarations, but by ſolemn Oath upon your Throne, been obliged, in a moſt glorious Preſence of your People, to the Maintenance of; and that therefore you will look upon any that ſhall propoſe or adviſe to the contrary, as unfit Perſons to be near you; and on thoſe who ſhall perſuade you it is lawful, as ſordid Flatterers, and the worſt and moſt dangerous Enemies you and your King lom have. What I ſet before your Majeſty, I have written freely, and like a ſworn, faithful Counſellor; perhaps not like a wiſe Man, with regard

to

to myſelf, as Things ſtand; but I have diſcharged my Duty, and ſhall count it a Reward if your Majeſty vouchſafe to read what I durſt not but write, and which I beſeech *God* to give a Bleſſing to.

A REMONSTRANCE, by way of *Addreſs*, from the Church of *England*, to both Houſes of Parliament, upon the Account of RELIGION. Together with ſome REMARKS upon Dr. *SHERLOCK*'s Sermon, preached the 29th of *May*, 1685.

[*King* Charles *died* February 6, 1684-5: *The ſame Day his Brother* James, *Duke of* York, *whoſe Succeſſion had been ſo long and ſo violently oppoſed, was peaceably proclaimed King; and entered on the Regal Office, with a voluntary Declaration, That he would make the Law the Rule of his Government, both in Church and State. Now, by Law, ſeveral Branches of the Revenues expired with the King: The reformed Religion, was that of the State; and yet, on the ſecond Day of his Reign, he went publicly to Maſs; and, on the third, he cauſed thoſe Revenues to be levied by the Authority of a Proclamation. On the 19th of* May, *he met his People in Parliament, for the firſt Time. In his Speech from the Throne, on the 22d, he repeated the Declaration, which he had before made to the Council; and communicated the News, which he had received of the Earl of* Argyle's *landing in* Scotland; *which produced a joint Vote of Thanks from both Houſes; the Settlement of the Revenue on him for Life; a ſolemn Tender of Lives and Fortunes; and as ſolemn a Reſolution to take his Majeſty's* gracious Word, *for the Security of the Church of* England. *On the 29th, Dr.* Sherlock, *having been appointed to preach before the Commons, took Occaſion to ſuggeſt, that a Papiſt, becauſe of his Religion, could never be a loyal Subject. The next Day Mr.* Richard Baxter, *who had refuſed a Biſhopric, in the Beginning of King* Charles's *Reign, for Conſcience Sake, was tryed at the* King's-Bench-Bar, *for what was called a* Scandalous Libel *(under the Title of a Paraphaſe of the* New-Teſtament) *on the Biſhops and Clergy,* Jefferies *being Judge; who took Occaſion to ſay, That by the Grace of Almighty God,* he would cruſh the whole Party: *And ſoon after were publiſhed the two following extraordinary Pieces; to which the bare Mention of theſe ſeveral Circumſtances, is all that is neceſſary, by way of Introduction.*]

HIS Majeſty having ſo often and ſo ſolemnly declared he would maintain *Me*, as by *Law eſtabliſhed*, I cannot but *rely* upon his *Royal Word*, according to your *prudent and generous Vote*, and think myſelf ſufficiently ſecured by having the *Word* of a *King*; who, whilſt a *Subject*, was never known to *break* it: Yet, notwithſtanding, ſeeing You, *My Children*, here aſſembled

embled to consult and advise about the most important Matters of the Kingdom, I hope it may be lawful and seasonable for me to to represent to your wise Considerations my serious Thoughts, concerning the Means to establish my own and the Nation's future *Quiet* and *Tranquillity*.

You cannot be ignorant, that ever since my *Separation* from the *Church* of *Rome*, I have been attacked by all Sorts of *Dissenters*: So that my Fate, in this Encounter, may be compared to that of a City, besieged by different Armies, who fight both against it, and one another; where if the Garrison make a Salley to endamage one, another presently takes an Advantage to make an Attack. Thus whilst I set myself vigorously to suppress the *Papist*, the *Puritan* seeks to undermine me; and whilst I am busied to oppose the *Puritan*, the *Papist* gains Ground upon me. If I tell the *Church* of *Rome*, I did not forsake *her*, but *her Errors*, which I reformed; my rebellious Subjects tell me the same, and that *they* must make a *thorough Reformation*: And let me bring what Arguments I please, to justify my *Dissent*, they still produce the same against me. If, on the other Hand, I plead against the *Puritan Dissenter*, and shew that he ought to stand to *Church-Authority*, where he is not *infallibly certain* it commands a *Sin*; the *Papist* presently catches at it, and tells me, I destroy my own *Grounds* of *Reformation*, unless I will pretend to that *Infallibility*, which I condemn in them.

Matters standing thus betwixt me and them: Why would it not be a Point of Prudence in me, (as I doubt not but you would esteem it in a Governor of that City I lately mentioned) to make Peace with one of my Adversaries, to the End I may with more Ease resist the Onsets of the other?

I am the easier induced to believe this may be effected, because my Enemies are at mortal Feuds with one another, and would rather join with me, than against me: And what Advantages such an *Union* would bring to this Nation, need not be offered in Detail to your View, who cannot but at the very first see them.

Our next Consideration then must be, to find out, whether of these two Parties may be the sooner induced to sign these *Articles* of *Agreement*; and will give the best *Security* for their *Performance* of them.

In order to which, if I cast back my Eye upon the Transactions which have happened in this Kingdom these last fifty Years; I cannot but observe my *Puritan Dissenting Adversaries*, to be a Company of People for the most Part without *Justice*, *Loyalty*, *Conscience or Religion*, tho' they pretend to them all, for a Cloak to their Villanies. I cannot but look upon them as *implacable Enemies* and *tyrannical* too, where they once get the upper-Hand: And if I admit them into my Bosom, I may assure myself of being stung by them, when they are once *warm*, and have recovered *Strength*.

I need not mention all their Hellish Practices against me and my loyal Children from 1641, until 1648, nor by what Wiles they undermined me first, and then never ceased until they had ruined the three Kingdoms, and embrued their Hands in the Blood of the best of Kings. It is apparent enough what Favour I may expect from them, if once again, (which *God* forbid) the Power should come into their Hands, by the *Liberty* they denied me in the *Usurper*'s wicked Reign. Have they not also of late endeavoured to play the same Game

over again, and to disturb mine and the Kingdom's Quiet, by *Plots* hatched in their own Brains? What was the *Popish Plot*, but a Blind for a *Presbyterian* one? Were not all their Endeavours to trepan us into an Ambush they had laid for us, whilst we with blind Heat, were in Pursuit of that *Chimerical Phantom?* Had they not at that Time all their Machines at Work to involve us in a common Ruin? Did they not, under Pretence of securing the King from a *Popish Gun* and *Silver Bullet*, endeavour to let fly at him with a *True Protestant Blunderbuss?* What did they aim at, under Pretence of securing the *Protestant Religion*, but to strike at *Episcopacy?* At which Time no Person, that was either dutiful to *me*, or loyal to the *King*, but was presently branded with the Name of *Papist*, *Popishly Affected*, *Papist in Masquerade*, *French Pensioner*, or the like. Had they not made a Catalogue of all Persons any ways eminent in the Kingdom, and ranked them under two Heads, of *worthy Men*, and *Men worthy*, meaning by the later, *Men worthy to be made away*, because true to their King and Country? When they were caught in their Villanies, did they *repent*, or did they not rather with their *Dying Words* testify their Approbation of the intended *Conspiracy?* And (which is yet worse) are they not still at Work to *embroil* the Nation and by *Rebellion* disturb our *Quiet*, and hinder the full Enjoyment of that *Happiness* we have now the greatest Prospect of, under the Reign of a *King*, whose *Example* discountenances *Vice* and teaches *Virtue*; whose *Justice* will not let him abandon his own, nor invade his Subjects *Rights*; whose *Courage* prompted him at all Times to dare any thing for his Country's *Good*, if it were not in itself *Evil*; whose *Study* is to *render his Reign both easy and happy to us* *: And who has *A true ENGLISH Heart, jealous of the Honour of the Nation*; *and pleases himself with the Hopes, that by* God's *Blessing, and your Assistance, he may carry the Reputation of it yet higher in the World, than ever it has been in the Time of any of his Ancestors* †.

On the other Hand, if with an impartial Eye, we look upon the *Papists*, we shall find them *Honest*, *Just*, *Conscientious* and *Loyal* in their *Practices*, though we are frequently told their *Principles* are otherwise: But this (they say) is not the only *Calumny* falsly laid upon them. And for my own Part, as I cannot think a Man's *Principles* good, when I see his *Practices* otherwise; so am I easily induced to believe that *Good Practices* proceed from *Good Principles*. Neither would I have even my greatest Enemies accused of holding *Ill Principles*, when they themselves *Renounce* them, both in *Speculation*, and in *Practice*; for tho' it be a hard matter to wash off all the Mire with which one has been grievously bespattered, yet no doubt in Time *Calumny* will appear to the Credit of the *Innocent*, and Disgrace of the *Calumniator*. Wherefore I cannot but condemn those *Accusations* with which that otherwise ingenious and loyal Discourse made to you, my *Children* of the *Lower House*, was finished, *viz. I deny not but some, who are* Papists, *in some Junctures of Affairs, may, and have been very loyal*; *but I am sure the* Popish Religion *is not*; *the* English*man may be loyal, but not the* Papist; *and yet there can be no Security of those Mens Loyalty, whose Religion in any case teaches them to rebel* ‖. For what

* King's Speech, *May* 22.
† King's Speech, *May* 30.
‖ Dr. SHERLOCK's Sermon, *May* 29, 1685.

what Reaſon has any Man to ſay their *Religion teaches them to rebel*, when they are ſo *jealous* of their *Religion*, that they voluntarily ſuffer the Loſs of their *Eſtates*, their *Liberties*, and their *Lives*, rather than renounce the *leaſt Tittle* of it; do, both in their public Writings, and private Diſcourſes, *declare* and *maintain*, that their *Religion teaches* no ſuch *Doctrine*; and that they are ready to maintain and practiſe *true Loyalty*, with the Hazard of their *Lives* and *Fortunes?* It is true, ſome Perſons, in Communion with *Rome*, have broached Tenets inconſiſtent with Loyalty *; but it is true likewiſe their Books have been *condemned* and *burned* (as they often tell us) by the public *Executioner*. Seeing therefore the *Roman Catholics* do frequently declare, '† That it is an 'Article of *Faith* in their *Church*, and expreſsly declared in the Council of 'Conſtance, that the *King-killing-doctrine*, or Murder of Princes, excommuni-'cated for *Hereſy*, is *damnable* and *heretical*; as being contrary to the known 'Laws of *God* and Nature: As alſo, that no *Catholic*, as *Catholics*, believe, 'that the *Pope* hath any direct, or indirect Authority over the *Temporal Power*, 'and *Juriſdiction* of Princes: So that if the *Pope* ſhould pretend to *abſolve*, or 'diſpenſe with his Majeſty's Subjects from their *Allegiance*, upon Account of 'Hereſy or *Schiſm*, ſuch Diſpenſation would be vain and null, and all *Catholic* 'Subjects (notwithſtanding ſuch *Diſpenſation* and *Abſolution*) would be ſtill 'bound in Conſcience to *defend* their King and Country, at the Hazard of 'their Lives and Fortunes, even againſt the *Pope* himſelf, in caſe he ſhould in-'vade the Nation.' I ſay, ſeeing *Roman Catholics* do thus generally declare their *Loyalty*, I think they ought no more in Juſtice to be charged with diſloyal Principles, for the *Extravagance* of ſome few of that vaſt Body, and thoſe *cenſured* and *condemned* too by them, than I am to be charged with *Principles* of the like *Diſloyalty* and *Injuſtice*, becauſe *ſome* of my Children have been for the *Bill of Excluſion*, and others who communicated with me, have written *ſcandalous Pamphlets*, *Narratives*, &c. tending to *Treaſon* and *Rebellion*. But what, in one Word, ſeems to me a convincing Argument, that the *Papiſts* do not hold ſuch *pernicious Doctrines* is, that I ſee ſo many *Kings* and *Princes*, in other Countries, no leſs *jealous* of their *Lives* and *Authorities* than others, who yet profeſs and maintain that *Religion*, and think themſelves ſecure by her *Principles*, when they dare not truſt the *Calviniſt*. And if we may deſcend to particulars, can we imagine that his preſent *Majeſty*, who could not but know that the *Roman Church* was frequently taxed with *diſloyal Principles*, would embrace her *Faith* without examining ſo *neceſſary* a Tenet? Or can we imagine, after ſuch an Examination, that he who has promiſed to maintain me (as I may ſay) *only* becauſe he knew I was for *Monarchy* and *Loyalty*, would himſelf embrace a *Religion*, which teaches the contrary *Principles?* So that to condemn the *Roman Catholic Religion*, of *Principles* of *Diſloyalty*; is either to condemn the King of *Ignorance*, in his own *Religion*, or of *Careleſſneſs* of his own *Security*. Theſe things, thus conſidered, I cannot but ſay it was a reaſonable Complaint of one of them, in theſe Words: ‖ *Is it not ſtrange and ſeverе, that* Principles, *and thoſe pretended of* Faith *too, ſhould be* impoſed *upon Men*,

* Mariana.

† Roman Catholic Principles, *3d Edit.* 1680.

‖ *Preface to* Roman Catholic Principles.

Men, which they themſelves renounce *and* deteſt? *If the* Turk's * Alcoran *ſhould, in like manner, be urged upon us, and we hanged up for* Mahometans, *all we could do or ſay in ſuch a Caſe, would be to die* patiently *with* Proteſtations *of our own* Innocence. *And this is the Poſture of our Condition* (continues he;) *we* abhor, *we* renounce, *we* abominate *ſuch* Principles; *we proteſt againſt them, and ſeal our Proteſtations with our* dying Breaths. *What ſhall we ſay? What can we do more? To* accuſe *men as guilty in* Matters of Faith, *which they never owned, is the ſame thing as to condemn them for* Matters of Fact, *which they never did.* It is ſufficiently known to all the Ingenious, who have either read or obſerved any thing, that in King *Charles* the Firſt's Reign, when ſo great a Number of *Engliſhmen* rebelled againſt their Prince, not one *Papiſt* [thoſe of *Ireland* being, it ſeems, out of the Queſtion] was obſerved, who was not ready to, or actually did not hazard his *Life* and *Fortune* for the Support of *Monarchy*. How many of them, in that wicked *Rebellion*, ſealed their *Loyalty* with their laſt *Blood?* And after the Martyrdom of that glorious King, were not they, as well as my dutiful Children, forced to ſeek a *Refuge* in foreign Countries; where (if I may eye their other Virtues) they maintained a mutual Friendſhip with my Children, as being tied with the common Bands of *Fellow Subjects*, *Soldiers*, or *Sufferers?* And after his late Majeſty's happy *Reſtoration*, how long did we live together in *Peace* and *Tranquility*, till thoſe wicked *Emiſſaries* of *Hell* animated us againſt our Brethren, by *Narratives* and *Informations* of I know not what *Plots* and *Conſpiracies*, of which, now at laſt, we find them *innocent?* During which very Time, with what *Patience* did the *Romaniſts* ſuffer all thoſe *injurious* and *contumelious Proceedings*, even to the very Loſs of their *Eſtates*, their *Liberties*, and their *Lives*; when we ſaw them go like *Sheep to the Slaughter*, who ſcarce *bleated* all the time, unleſs it were to declare their *Innocence*, to pray for the *King* and *Kingdom*, and to fore-warn us of our *approaching Ruin:* In which certainly they were our beſt Friends, if we could have been Friends to ourſelves, and hearkened to their Advice, which we found to be good and ſolid, tho' it was almoſt too late before we would believe it?

Let us likewiſe reflect how they behave themſelves at preſent, now we look upon them to enjoy the greateſt Advantages they have had this many Years, and we ſhall find it to be with *unexpected Moderation*. We who were formerly almoſt frighted into *Bedlam*, for Fear of a *Popiſh Succeſſor*, find under *JAMES the GREAT and the JUST*, our *Liberties*, our *Properties*, our *Rights*, and our *Religion ſecured*, and may expect to ſee our *Kingdom* become *glorious*, and the old *Engliſh Bravery* once more *flouriſh* under ſo *GREAT* an *ENGLISH KING, if his Subjects will but ſhew themſelves True Engliſhmen*, as his Majeſty was pleaſed to expreſs it to ſome of you.

You ſee, *my deareſt Children*, that our *Fears* were vain, and our *Jealouſies* without Grounds. *This* very *Stone, which was once rejected by the Architects, is now become the chief Stone in the Corner:* We may truly ſee in it *the Hand of God*, and look upon it with *Admiration*, and may expect (if *Fears* and *Jealouſies* hinder not) the greateſt *Bleſſings* we can wiſh for: An *Union* betwixt *theſe two Walls*, which have been thus long *ſeparated*, and now in a fair way to be

united and *linked* together by this *Corner-ſtone*, after which, how glorious a Structure may we hope for, upon ſuch Foundations?

Shall we then, *my Lords and Gentlemen*, ſtill wage a War againſt theſe our *Brethren*, who would live *peaceably* amongſt us, and ſeek by all Means to endear us? Shall we continue to put the *Rigour* of the *Laws equally* in Execution againſt *theſe* who would live at *Union* with us, and not *diſturb* our Government, and thoſe whom we have ſo often, and do at preſent find to be *reſtleſs* and *implacable Enemies?* Let it not be ſaid, we love Diſſention, or that we delight in *Severity* and *Blood*, leſt it be objected, our Cauſe is not to be ſuſtained, unleſs the *Rigour* of the *Laws* be put in *Execution*, as if neither *Truth* nor *Juſtice* were on our Side. I cannot think thoſe to be good Foundations, which muſt be cemented with *Penalties* and with *Blood:* Neither can I think thoſe, who are reduced to my Embraces, or retained in them by *Rigour*, will prove faithful to me in the Conflict. They are rather *Slaves* than *Sons*, *Hypocrites* not *Converts*, who, having forſaken their *God* for Intereſt, cannot be true to *Me* or *Man*. Let *Truth* ſuſtain me, not *Rigour*; *Truth* will endure for ever, and ſhine in the midſt of Darkneſs, ſo that it is well compared to the *Diamond*, which ſparkles in the obſcureſt Night, reſiſts the File, the Hammer, and the Flame; but yet may be ſoftened with the *Blood of Goats*. This *Truth* flouriſhed in the greateſt *Perſecutions*, and prevailed, when the Profeſſors of it ſuffered the moſt horrid Torments, their Blood being the Seed of the Church, which brought forth an Hundred fold. But ſhould a Church endeavour once to *propagate* her *Truth* by *Perſecutions* and by *Blood*, ſhe may have Reaſon to fear the *Diamond*'s Lot, and *that Blood* will tarniſh all its Luſtre, and deſtroy the *Solidity*, the *Splendor*, and the *Value* of it all at once. Let *Truth* then be my ſolid *Foundation*, and let us leave the *Sanguinary* and the *Penal Laws* to thoſe who are not built upon *it*.

If we cannot aſſure ourſelves of a perfect *Peace* and *Union* with *Rome*, we may hope for a *Truce*, a *Ceſſation of Arms*, a happy Correſpondence and mutual Commerce.

Yet ſome Overtures of *Peace* have been frequently made by the *Romaniſts*; and I may ſay with Truth, if it had not been for ſome *hot-headed Zealots*, and other *ignorant Polemics*, our *Breaches* had never been ſo wide; yea, on the contrary, would have been long ſince healed. Our *Zealots* cry perpetually againſt the *Idolatry* of the Church of *Rome*, and yet the *Romaniſts*, it's well known, cry as much againſt *Idolatry* as we. If they would paint a *Papiſt*, they beſmear him with the ugly Colours of † *Equivocations*, *mental Reſervations*, *Diſpenſations* to *lye*, *forſwear*, and *maſſacre* their Neighbours; when, on the contrary, the *Roman Catholics* recommend *Simplicity* and *godly Sincerity*, as truly *Chriſtian Virtues*, neceſſary to the *Conſervation of Juſtice*, *Truth*, and *common Society:* And tell us, *That all* Pardons *and* Diſpenſations *granted, or pretended to be granted, in order to any ſuch Ends or Deſigns, have no other Validity or Effect, than to add* Sacrilege *and* Blaſphemy *to the above-named* Crimes. And as for our common *Controvertiſts*, how often are we told they miſtake the *Roman Catholic Tenets*, miſrepreſent their *Doctrines*, fight againſt *Chimera's* of their own Brains, and moſt

† Roman Catholic *Principles.*

moſt commonly either ſpend whole Volumes in refuting *Errors*, which they *condemn* as well as we, or eſtabliſhing *Truths* which they *affirm?* How often have they told us, *We muſt ſeparate their* Articles *of* Faith *from their* Theological Diſputes, *and take their* Doctrines *from their* Councils, *not their* Schools? And yet how little Profit have our *Polemics* reaped from this Admonition? How often have they formerly urged us to an *Oral* or *Pen* Combat, upon Condition *Security* and *Freedom* might be given them, the Queſtions *rightly ſtated*, and the other common Laws of *Diſputation* ſtrictly obſerved; but ſtill either the real or pretended *Intereſt of State* put a Stop thereto; inſomuch that in their public Writings, they have often told us, *We behave ourſelves like Perſons diffident of our Cauſe, decline Diſputes on equal Terms, and either* miſrepreſent *their* Tenets, *(as appears manifeſtly in their Doctrines of* Juſtification *and* Merit, Satisfaction, *and* Indulgences) *or elſe play the* Buffoons, *joking, ſcoffing, and relating Stories, which, if true, would not touch* Religion. I muſt confeſs, many of our young *Divines* (if I may call them *Divines*, who have not ſpent above a Year or two in the *Univerſities)* are to blame in this, who having obtained a good *Benefice*, by the Sollicitation of Friends, and not by their Merit, are forced to preach to others, what they ſcarce underſtand themſelves. Such as theſe, for want, it may be, of Matter, are glad to fly to the common Topic of *railing* at *Rome* and *Hell*, the *Pope* and the *Devil*; for which being applauded by their zealous and ignorant Auditors, and moved with an Itch of being in *Print*, they publiſh their own puerile Conceptions, or ſuch as they have gleaned from others of the like *Learning*, *Judgment*, and *Reading*; and tho' it be all to no Purpoſe, yet they flatter themſelves, as if from thence the Downfall of *Popery*, and the utter Deſtruction of the *Whore* of *Babylon* muſt neceſſarily enſue.

Upon theſe Conſiderations, *My Lords and Gentlemen*,

My humble Requeſt to you in this *Aſſembly*, is, that you would adviſe about ſome Means for our *Quiet*, *Concord*, and *Agreement*; and take care, that what may widen our *Breaches* may be rejected, and what may cloſe them, embraced. The beſt way to effect which, in my Thoughts, are theſe.

Firſt, *That it may be provided, that thoſe who are known to be faithful Friends to the King and Kingdom's Good, may*, equally *with us, enjoy thoſe* Favours *and* Bleſſings *we may hope for under ſo GREAT and ſo JUST a KING, without being liable to the* Sanguinary *or* Penal Laws *for holding* Opinions *no ways inconſiſtent with* Loyalty *and the* Peace *and* Quiet *of the Nation: And that they may not be obliged by* Oaths *and* Teſts, *either to renounce their* Religion, *which they know they cannot do without* Sacrilege, *or elſe to put themſelves out of* Capacity *of* ſerving *their* King *or* Country.

Secondly, *That for* healing *our* Differences, *it be appointed, that neither Side, in their* Sermons, *touch upon Matters of* Controverſy *with* animating Reflections; *but that thoſe Diſcourſes may wholly tend to* Peace *and* Piety, Religion *and ſound* Morality: *And that in all public* Catechiſms, *the ſolid* Grounds *and* Principles *of* Religion *may be* ſolely *explicated and eſtabliſhed, all reflecting Animoſities being laid aſide.*

Thirdly, *That ſome* learned, devout *and* ſober *Perſons may be made Choice of on both Sides, who may truly ſtate Matters of* Controverſy *betwixt us; to the End each one may know the others Pretenſions, and the* Tenets *they cannot aban-*

don, without breaking the Chain of Apoſtolic Faith: *Which if it be done, we ſhall, it may be, find that to be true, which the* Papiſts *often tell us,* That the Difference betwixt *them* and *us,* is not ſo great as many make it; nor their *Tenets* ſo *pernicious,* but, if we ſaw them naked, we ſhould, if not embrace them as *Truths,* yet not condemn them as *Errors,* much leſs as *pernicious Doctrines. Yet if, notwithſtanding all this, we cannot perfectly agree in ſome* Points, *let us, however, endeavour to live together in the Bonds of* Love *and* Charity, *as becomes* good Chriſtians *and* loyal Subjects, *and join together to oppugn thoſe known Maxims, and pernicious Errors, which deſtroy the* Eſſence *of* Religion, Loyalty, *and* good Government.

This is, *my deareſt Children,* the *Remonſtrance* I thought good to make you, and I doubt not but your *Wiſdoms* will ſo order it, that if not by this *Method,* at leaſt by ſome other efficacious Means, all our *Differences* may be ſoothed; and when *Heats* about *Religion* ceaſe, we may hope for a future ſtable *Quiet* in the Nation. This is what I ſhall daily pray for, and that *God* would by his Grace ſo guide this *great Aſſembly,* that all their Acts, Votes, and Councils, may tend to his *Honour* and *Glory,* the Good of his *Church,* and the *Proſperity* and laſting *Peace* of the Kingdom.

God ſave King JAMES *the Second.*

A Second REMONSTRANCE, by way of *Addreſs,* from the Church of *England,* to both Houſes of Parliament.

My Lords and Gentlemen,

I Hope the tender Concern of a *Mother* for her *Childrens Safety,* and the Tye of *Nature* for *Self-Preſervation,* will ſufficiently apologiſe for this, my *Second Remonſtrance*: And I hope, if either *Piety* towards my *Children,* or *Sollicitude* for *myſelf,* or *both,* ſhould make me ſeem *importunate,* or, as you may think, *too apprehenſive, Nature* will be my *Plea*; which cannot *hinder* the one, and alſo *commands* the other.

Yet I cannot think my *Apprehenſions* vain, nor my *Importunity* unſeaſonable, when I conſider what Miſchief the *Baſiliſk* may do, if not cruſhed in the *Egg*; what *Conflagrations* have been occaſioned from neglected *Sparks*; and what *Countries* and *Kingdoms* have been *embroiled* and *ruined,* for not *obviating* ſmall *Beginnings.*

I am concerned for *you,* and all my *Children*; and you ought alſo to be concerned with *me,* both for *me,* and for your *ſelves*; I am concerned for the *King* and the *Kingdom*'s Good and Quiet; and you ought equally to ſhare with me in this Concern: For when I ſee *Rebellion* begin to appear *bare-faced,* and my *Fanatic Enemies* flock to an *ungrateful aſpiring Wretch*; I cannot but think, that tho' his and their Cry be, The *Security of the Proteſtant Religion,* yet it is not the *Proteſtant Religion, as by Law eſtabliſhed*: It is not *me* they mean thereby, but a *Religion* compoſed of all *Diſſenters*: It is not *Epiſcopacy* they would

would ſecure, but, on the contrary, I fear, *pull down*, under the Name of *Popery:* Or rather, if we look upon their *Practices*, tho' *Religion* be in their Mouths, we may aſſure ourſelves it is not in their Intentions; ſeeing they deſtroy the very *Foundation* of it by *Rebellion*. No, no, it is not *Religion*, it is *Ambition* and *Deſpair* animate the *unthinking Tool*, their *Leader:* It was not *Religion*, it was the Hatred of *Monarchy*, excited the *Republicans* to invite him in, and lend him their Aſſiſtance: It is not *Religion*, it is a Delight to *fiſh* in *troubled Waters*, and to *enrich* themſelves by the *Spoils* of others, cauſes the *Crowd* to follow him: And if ſome be led by a *Zeal* (no leſs criminal than blind) for *Religion*, they are but like their *Leaders*, *Tools* in the Hands of *Knaves*; who, ſhould they obtain their Ends, (which *God* forbid) would throw them by, as uſeleſs.

When therefore I ſee *Ambition* graſping at a *Crown*, as the laſt Refuge of *Deſperation:* When I ſee *Republican* Spirits lending their Aſſiſtance to pull down *Monarchy:* When I ſee the diſcontented, hungry *Rabble* flock together, in Hopes once more to enrich themſelves, by the Ruin both of *Church* and *State:* And when I ſee blinded *Zealots* cry up *Religion*, with all the other damned Crew of *Rebels*, whilſt they all join Hands to pluck it down; I think I have great Reaſon to *fear* my *own*, and my deareſt *Childrens* Ruin; and to offer up my poor Endeavours towards our common Security, from the Rage of thoſe *plodding Knaves*, and *Hood-wink'd Fools*.

I know no *thinking Perſons*, who are either *zealous* for *mine*, or the *Kingdom's Good* and *Quiet*, will ever join with *them:* For they cannot but ſee, the Methods theſe pretended *Zealots* take to ſecure *Religion*, are the only means to *ruin* it. We find ourſelves ſafely ſheltered under the Promiſe of our moſt *great* and *gracious Sovereign*; and we ſee and experience in this, as in all other Things, his *Conſtancy* to his *Promiſe:* But it behoves us to reflect, this *Promiſe* was *conditional*; if we were true to *Monarchy:* Thoſe, therefore, who join with or abet *Rebellion*, againſt their *lawful Prince*, have neither *Right* nor *Title* to his *Promiſe*, as having broken the *neceſſary Conditions* required by it.

Religion is, and always has been, the common Cry of *Rebels*; but what *Religion* muſt that be, which takes it's Riſe and it's Security from *Rebellion?* I am ſure it cannot be *Orthodox*, which does ſo manifeſtly thwart the *Goſpel*, that teaches *due Submiſſion*. No, no, it is not *Religion*, but *Intereſt*, ſways ſuch *Monſters*, as this *ungrateful Rebel*; and we may aſſure ourſelves alſo, that thoſe *Republicans*, who help to ſet up ſuch a *Tool*, and lead the *Rabble-rout* by the plauſible Cry of *Religion*, intend no other but a *Republican Religion*, as well as *Government:* And then a Farewel being given to *Monarchy*; we muſt give a Farewel alſo to *Epiſcopacy*, and your Mother, the *Church of* England.

Can we imagine a *Perſon*, who has no *Religion* but Debauchery, will be a fit Inſtrument to protect or eſtabliſh *Truth* and *Piety?* Can we imagine, he, who never fought any thing but his own *private Ends*, will have any generous Thoughts for the *Public?* Can we imagine, he who *plotted* the Death of a *tender* and a *Royal Father*, and preferred the Lives of thoſe *Conſpirators*, (who ſeduced him before the Safety of the *King* and *Kingdom*) has any Senſe of *Piety*, *Honeſty or Religion* in him? Can we think, he, who declares againſt all *you*, my

my Children here assembled, as a *pack'd Company of* Papists, because you have shewn yourselves *true* and *loyal* Subjects to your *King*, and *zealous* for the Welfare and Honour of the *Nation*, can intend any thing but *your* and *my* Destruction, with the *Kingdom*'s Ruin? In a Word, can we imagine, he, who is a *Monster* of *Ingratitude*, of *Impiety*, of *Debauchery*, and of all the Ills imaginable, as appears by this, and all his late Attempts, carries any thing but the *Seeds* of these *Crimes*, under the goodly Husks of *Liberty*, *Property*, and *Religion?* Or can we imagine *those*, who abet such *Villanies*, have either better or more *religious Designs*, tho' they cloak them under that most specious Appearance? It is not an Age since we sufficiently experienced the Effects of *Rebellion*. That *Tree*, though it may for some Time spread and flourish, yet the *Fruits* thereof are always *bitter:* It may promise much in the *Blossom*, but the *Fruit* (tho' fair in Appearance) is poisonous in the Effect.

It behoves you, therefore, *(my dearest Children)* to endeavour by all means to defend his *sacred Majesty*, against his *Enemies*, upon whom the future *Quiet* and *Glory* of the *Nation* does depend. It behoves you to defend *him*, upon whom depends *my Peace*, and *my Support*. It behoves you to defend *him*, upon whose *Security*, *your* own *Lives* and *Fortunes* do depend, and to obviate all those Evils which make Haste (to *ripen* if they be not *nipped*) in the *Bud*. This it behoves you to do, if you love your *King*, if you love your *Country*, if you love *me*, or if you love *yourselves:* And when so many Motives excite you to resist those *Rebels*, and to quell them to secure our Quiet; methinks nothing that is conducing thereunto, but may be *seasonably* represented to you.

My own Thoughts I told you in my last *Remonstrance*, which I must here again repeat. The only way and most secure is without doubt to procure a *Union*, with those who are undoubtedly the *King* and *Kingdom*'s Friends, and whose *Interest* as well as *Principles* oblige them to be faithful to *him*. We ought to secure all the Friends we can; and not exclude those, who are both *able* and *willing* to assist us, by *Oaths* and *Tests*; which are so far from assuring us of their *Fidelity*, that we cannot firmly rely upon their *Allegiance* who take them. The *Romanists* have often offered to swear *Allegiance* to their *King* in any Form, so it thwart not what is due to *God*; and as we may assure ourselves, that they, who break their *Allegiance* due to *God*, under Pretence of serving their *King*, are led by nothing but their *Interest*, which would bias them to any thing: So those who are known to be faithful to their *God*, and prefer their *Religion* and *Conscience* before their *Interest*; will, no doubt make a *Conscience* likewise to serve their *King* and *Country*, when the same *God* and *Religion* obliges them to do it.

Our former *Christian Kings*, were for many Ages secure, even under the *Roman Religion*, when their Subjects were tyed by *Oaths*, no less obliging 'tis true than these, but couched in other Terms. Other *Kings* and *Kingdoms* think themselves no less secured than we, when such an *Allegiance* is sworn unto them: And shall we alone endeavour to *fetter* the *Consciences* of those, who make a *Conscience* to serve their *King* and *Country*, tho' tyed by no other Bonds than the true *Principles* of *Religion* and sound *Morality?* We know it is not *Allegiance* they boggle at, for *that* they are always ready to pay, with the Hazard

Hazard of their *Lives* and *Fortunes*; but it is their *Religion* they would not abandon, their *Faith* they would not quit, their *God*, to whom they would not be rebellious. Shall we therefore, when we know they are Persons will be faithful to a King, who has promised us his *Protection*, and under whose *Protection* alone we can ever hope to *subsist*; shall we I say, refuse their *Assistance* in these *Conjunctures*? We know many of the *Romanists* have shewn their *Valour* and their *Conduct* in foreign Countries, where they learned *military Discipline* by *Practice*, not by *Speculation* only: And shall we, when we know them to be fit Persons to be employed, so far *injure ourselves* and the *Nation*, as to exclude them from assisting us for *Niceties* in *Religion*? We cannot doubt of their *Fidelity* to their own *King*, who fought so faithfully for Foreigners: We cannot doubt their *Courage*, who shewed their *Valour* in the greatest Hazards: And we may hope their *Conduct* will be no less advantagious, having learned it in so great a School. Those no doubt, who are either for his Majesty's Security, for my *Safety*, or the *Kingdom*'s Good, will be desirous to see them employed. None certainly, but those who care not if they saw me again *pulled down*, and the *Kingdom* turned into a *Commonwealth*, can be against it: Both *they* and *I*, and *all those* who are for *Monarchy*, are concerned in the Preservation of his *sacred Majesty*, and where our *Concern* is common, why should we not be at *perfect Union*?

My Lords and Gentlemen,

It depends wholly upon your *generous Action* to see this *great thing* effected. We see his Majesty is not willing to *infringe* the *Laws*, nor alter any thing without your *Counsel*, nor give Occasion to the *Discontented* to esteem him *arbitrary*: But you, methinks, should *prevent* him in *this*, and before you break up this *Assembly*, freely *desire* him to employ *any* that are known to be his *Friends*. If you be afraid of Persons, who are not *tyed* by *Oaths*; either take those *old ones*, which secured his *Predecessors*, or frame *new ones* with all the *Tyes* imaginable to *Fidelity*, so they touch not upon *Religion*. Then will you shew yourselves true *Subjects* to your *King*; truly concerned for me, your tender *Mother*, who run the same *Fate* with *him*; true *Friends* to *Monarchy*, and may therefore expect his *Majesty's Protection*, under *God's*. I hope you will be *unanimous* in this *Step* to our *Unity*, *Peace* and *Security*, which I shall perpetually *pray* for, in giving you my *Blessing*.

God save King JAMES *the Second.*

An

An ACCOUNT of what paſſed at the EXECUTION of the late DUKE of *MONMOUTH.*

On WEDNESDAY, the 15th of JULY, 1685. on *Tower-Hill.*

[*That the* ungrateful Rebel, *in the laſt of the preceding Remonſtrances, ſet forth in ſuch horrid Colours, was the Duke of* Monmouth, *will occur to every common Reader. His Grace, having loſt an indulgent Father, at a Time when he had* * *more Reaſon, than ever, to depend on being ſoon reſtored to his Boſom, in a Fit of Deſpair, had landed,* June 11, *at* Lime *in* Dorſetſhire, *with a Handful of hungry Followers; and having been joined by a large Body of infatuated Men, ſuffered himſelf to be proclaimed King, and undertook to force his Way to the Throne. It is true, a Sort of Concert had been formed between him and the Earl of* Argyle: *But ſo ill had they taken their Meaſures, that the Earl was defeated and taken, before he could either create a Diverſion, in Favour of the Duke; or the Duke could put himſelf in a Condition to reſcue him out of the Hands of his Enemies. The Duke, however, was not apprized of the Fate of his unhappy Aſſociate, until it was too late to avoid his own. The King's Forces, under the Command of Lord* Feverſham, *had ſhut him up in* Bridgewater; *and he had no other Choice but to fight, or ſurrender at Diſcretion. This Extremity occaſioned the Attack at* Sedgemoor, *on the 6th of* July; *in which his whole Party was totally routed: On the 8th following, he himſelf was taken by the Militia of* Dorſetſhire, *in a Ditch, covered with Fern and Briars; and having fallen at the King's Feet for Mercy in vain, was on the 15th following, led to Execution, on* Tower-Hill, *in Virtue of an Act of Attainder, paſſed the* 16th *of* June.]

THE late Duke of *Monmouth* came from the Tower to the Scaffold, attended by the Biſhop of *Ely*, the Biſhop of *Bath* and *Wells*, Dr. *Tenniſon* and Dr. *Hooper*, which four the King was graciouſly pleaſed to ſend him, as his Aſſiſtants to prepare him for Death: and the late Duke himſelf intreated all four of them, to accompany him to the Place of Execution, and to continue with him to the laſt. The two Biſhops going in the Lieutenant's Coach with him to the Bars, made ſeaſonable and devout Applications to him all the way; and one of them deſired him not to be ſurprized, if they to the very laſt upon the Scaffold, renewed thoſe Exhortations to a *particular Repentance*, which they had ſo often repeated before.

At

* According to the Minutes extracted from his Grace's own Diary, by Dr. *Wellwood*, his Peace was actually made, and the Time of his Return fixed in that very *February*, in which the King (*Charles*) died: At which Time alſo the Duke of *York* was once more, to have been removed from Court, and ſtationed either in *Flanders* or *Scotland.*

At his firſt coming upon the Scaffold, he looked for the Executioner, and ſeeing him, ſaid, Is this the Man to do the Buſineſs? Do your Work well.

Then the late Duke of *Monmouth* began to ſpeak; ſome one or other of the Aſſiſtants, during the whole Time, applying themſelves to him.

Monmouth. I ſhall ſay but very little; I come to die; I die a Proteſtant of the Church of *England.*

Aſſiſtants. My Lord, If you be of the Church of *England*, you muſt acknowledge the Doctrine of *Non-reſiſtance* to be true.

M. If I acknowledge the Doctrine of the Church of *England* in general, that includes all.

A. Sir, It is fit to own *that* Doctrine particularly, with Reſpect to your Caſe. [*Here he was much urged about that Doctrine of* Non-reſiſtance; *but he repeated in effect his firſt Anſwer.*]

Then he began, as if he was about to make a premeditated Speech, in this manner.

M. I have had a Scandal raiſed upon me about a Woman, a Lady of Virtue and Honour; I will name her; *The Lady Henrietta Wentworth.* I declare, that ſhe is a very virtuous and godly Woman; I have committed no Sin with her; and that which hath paſſed betwixt us was very honeſt and innocent in the Sight of *God.*

A. In your Opinion, perhaps, Sir, as you have been often told;—(*i. e.* in the Tower) but this is not fit Diſcourſe in this Place.

Mr. Sheriff Goſtlin. Sir, Were you ever married to her?

M. This is not a Time to anſwer that Queſtion.

Mr. Sheriff Goſtlin. Sir, I hoped to have heard of your Repentance for the Treaſon and Bloodſhed, which hath been committed.

M. I die very penitent.

A. My Lord, It is fit to be *particular*; and, conſidering the *public* Evil you have done, you ought to do as much good now, as poſſibly you can, by a *public* Acknowledgment.

M. What I have thought fit to ſay of *public* Affairs, is in a Paper which I have ſigned:— I refer to my Paper.

A. My Lord, there is nothing in that Paper about *Reſiſtance*; and you ought to be *particular* in your Repentance, and to have it well grounded. *God* give you *true* Repentance.

M. I die very penitent, and die with great Chearfulneſs, for I know I ſhall go to *God.*

A. My Lord, you muſt go to *God* in his own way: Sir, be ſure you be truly penitent, and aſk Forgiveneſs of *God*, for the many you have wronged.

M. I am ſorry for every one I have wronged; I forgive every Body; I have had many Enemies; I forgive them all.

A. Sir, your Acknowledgment ought to be *public* and *particular.*

M. I am to die; pray, my Lord,—I refer to my Paper.

A. They are but a few Words that we deſire: We only deſire an Anſwer to this Point.

M. I can bleſs *God* that he hath given me ſo much Grace, that for theſe two Years laſt paſt, I have led a Life unlike to my former Courſe; and in which I have been happy.

A. Sir! Was there no Ill in these two Years! In these Years, these great Evils have happened: And the giving *public* Satisfaction, is a necessary Part of Repentance:——Be pleased to own a *Detestation* of your *REBELLION.*

M. I beg your Lordship, that you will stick to my Paper.

A. My Lord, as I said before, there is nothing in your Paper, about the Doctrine of *Non-resistance.*

M. I repent of all things that a true Christian ought to repent of: I am to die: Pray, my Lord——

A. Then (my Lord) we can only recommend you to the Mercy of *God*; but we cannot pray with that Chearfulness, and Encouragement as we should, if you had made a *particular* Acknowledgment.

M. God be praised, I have Encouragement enough in myself; I die with a clear Conscience; I have wronged no Man.

A. How, Sir, no Man! Have you not been guilty of *Invasion*, and of much *Blood*, which has been shed; and, it may be, the Loss of *many Souls*, who followed you?—You must needs have wronged a great many.

M. I do, Sir, own *that*; and am sorry for it.

A. Give it the *true* Name, Sir, and call it *Rebellion.*

M. What Name you please, Sir; I am sorry for *invading* the Kingdom; for the *Blood* that has been shed; and for the *Souls* which may have been lost by my means; I am sorry it ever happened. [*This he spoke softly.*]

Mr. Sheriff Vandeput. [*To some that stood at a Distance.*] He says, he is very sorry for invading the Kingdom.

A. We have nothing to add, but to renew the frequent Exhortations we have made to you, to give some Satisfaction for the *publick* Injuries to the Kingdom. There have been a great many Lives lost by this *Resistance* of your *LAWFUL PRINCE.*

M. What I have done has been very ill; and I wish with all my Heart it had never been: I never was a Man that delighted in Blood; I was very far from it; I was as cautious in that, as any Man was; the Almighty knows how I now die, with all the Joyfulness in the World.

A. God grant you may Sir: *God* give you *true Repentance.*

M. If I had not *true* Repentance, I should not so easily have been without the Fear of dying. I shall die like a Lamb.

A. Much may come from natural Courage.

M. I do not attribute it to my own Nature, for I am fearful as other Men are; but I have now no Fear, as you may see by my Face; but there is something within me which does it, for I am sure I shall go to *God.*

A. My Lord, be sure upon good Grounds: Do you repent you of all your Sins, *known* or *unknown*, *confessed* or *not confessed*; of all the Sins which might proceed from *Error* in *Judgment?*

M. In general for all, I do with all my Soul.

A. God Almighty of his infinite Mercy forgive you. Here are great Numbers of Spectators; here are the *Sheriffs*, they represent the *Great City*; and in speaking to them, you speak to the whole City; make some Satisfaction by owning your *Crime* before them. [*He was silent here.*]

[*Then*

[*Then all went to ſolemn commendatory Prayers, which continued for a good Space; the late Duke of* Monmouth *and the Company kneeling, and joining in them with great Fervency.*

Prayers being ended, before he, and the four who aſſiſted him, were riſen from their Knees, he was again earneſtly exhorted to a true *and* thorough *Repentance.*

After they were riſen up, he was exhorted to pray for the King; and was aſked, Whether he did not deſire to ſend ſome dutiful Meſſage to His MAJESTY; *and to recommend* his Wife and Children *to his Majeſty's Favour.*]

M. What Harm have they done? Do it, if you pleaſe; I pray for him, and for all Men.

[*Then the Verſicles were repeated.*]

A. O Lord ſhew thy Mercy upon us.

M. [*He made the Reſponſe.*] And grant us thy Salvation.

A. [*It followed.*] O Lord ſave the King.

M. And mercifully hear us when we call upon thee.

A. Sir, Do you not pray for the KING with us? [*The Verſicle was again repeated.*] O Lord ſave the King.

M. [*After ſome Pauſe he anſwered*] Amen.

[*Then he ſpoke to the Executioner concerning his* undreſſing, &c *and he would have no* Cap, &c. *and at the Beginning of his* undreſſing, *it was ſaid to him on this manner.*]

A. My Lord, you have been bred a *Soldier*, you will do a generous, *Chriſtian* Thing, if you pleaſe to go to the Rail, and ſpeak to the *Soldiers*; and ſay, That here you ſtand a ſad Example of *Rebellion*, and entreat *them* and *the People* to be *loyal* and *obedient to the* KING.

M. I have ſaid I will make no Speeches: I will make no Speeches: I come to die.

A. My Lord, ten Words will be enough.

M. Then calling his Servant, and giving him ſomething, like a Tooth-pick-Caſe, Here *(ſaid he)* give this to the Perſon, to whom you are to deliver the other Things.

M. (To the Executioner) Here are ſix Guineas for you; pray do your Buſineſs well; do not ſerve me as you did my Lord *Ruſſel*; I have heard, you ſtruck him three or four Times. Here *(to his Servant)* take theſe remaining Guineas and give them to him, if he does his Work well.

Executioner. I hope I ſhall.

M. If you ſtrike me twice, I cannot promiſe you not to ſtir.

[*During his* undreſſing *and* ſtanding *towards the* Block, *there were uſed by thoſe who aſſiſted him, diverſe Ejaculations proper at that Time, and much of* 51*ſt* Pſalm *was repeated, and particularly,* Deliver me from Blood-Guiltineſs, O God, Thou God, *&c.*

Then he lay down, and ſoon after he raiſed himſelf upon his Elbow, and ſaid to the Executioner, Prithee let me feel the Axe: *(He felt the* Edge, *and ſaid)* I fear it is not ſharp enough.

Executioner. It is ſharp enough, and heavy enough.

Then he lay down again.

During this Space many pious Ejaculations were uſed by thoſe that aſſiſted him with great Fervency, Ex. Gr. God accept your Repentance: *God* accept your Repentance: *God* accept your IMPERFECT Repentance: *My Lord, God* accept your GENERAL Repentance: *God Almighty* ſhew his OMNIPOTENT Mercy upon you: *Father*, into thy Hands, we commend his Spirit, *&c. Lord Jeſus*, receive his Soul.

Then the Executioner proceeded to do his Office *.

This is a true Account, Witneſs our Hands,

Francis, *Ely.* Thomas Tenniſon. William Goſtlin, } *Sheriffs.*
Thomas, *Bath* and *Wells.* George Hooper. Peter Vandeput. }

A COPY of the PAPER, to which the late Duke of *MONMOUTH* referred himſelf in the Diſcourſes held upon the SCAFFOLD.

I Declare, That the Title of King was forced upon me; and, That it was very much contrary to my Opinion, when I was proclaimed. For the Satisfaction of the World, I do declare, That the late King told me, He was never married to my Mother. Having declared this, I hope that the King, who is now, will not let my Children ſuffer on this Account. And to this I put my Hand this fifteenth Day of *July*, 1685.

MONMOUTH.

Declared by himſelf, and ſigned in the Preſence of us,

Francis, *Ely.* *Thomas Tenniſon.*
Thomas, *Bath* and *Wells.* *George Hooper.*

A

* 'But under ſuch Diſtraction of Mind, 'that he fell into the very Error, which the 'Duke had ſo earneſtly cautioned him to 'avoid; wounding him at firſt ſo ſlightly, 'that he lifted up his Head, and looked him 'in the Face, as if to upbraid him for making 'his Death painful; but ſaid nothing. He 'then proſtrated himſelf again, and received 'two other ineffectual Blows; upon which 'the Executioner threw down his Axe, in a 'Fit of Horror, crying out, *He could not fi-'niſh his Work:* But on being brought to 'himſelf, by the Threats of the Sheriffs, took 'up the fatal Weapon again, and at two 'other Strokes, made a Shift to ſeparate the 'Head from the Body.'

Review of the Reigns of Charles *and* James, *p.* 885.

A COPY of the Duke of *MONMOUTH*'s LETTER to the KING; dated from RINGWOOD, the 8th of *July*, 1685.

SIR,

YOUR Majesty may think it is the Misfortune I now lie under, makes me make this Application to you; but I do assure your Majesty, it is the Remorse I now have in me, of the Wrong I have done you in several Things; and now in taking up Arms against you. For my taking up Arms, it never was in my Thoughts, since the King died. The Prince and Princess of *Orange* will be Witness for me, of the Assurance I gave them, that I would never stir against you; but my Misfortune was such, as to meet with some horrid People, that made me believe things of your Majesty, and gave me so many false Arguments, that I was fully led away, to believe, that it was a Shame and a Sin before *God* not to do it. But, Sir, I will not trouble your Majesty at present with many things I could say for myself, that I am sure would move your Compassion; the chief End of this Letter being only to beg of you, that I may have that Happiness, as to speak to your Majesty; for I have that to say to you, Sir, that I hope may give you a long and happy Reign. I am sure, Sir, when you hear me, you will be convinced of the Zeal I have for your Preservation, and how heartily I repent of what I have done. I can say no more to your Majesty now, being this Letter must be seen by those that keep me. Therefore, Sir, I shall make an End, in begging of your Majesty to believe so well of me, that I would rather die a thousand Deaths, than excuse any thing I have done; if I did not really think myself the most in the wrong, that ever any Man was, and had not from the Bottom of my Heart an Abhorrence for those that put me upon it, and for the Action itself. I hope, Sir, *God Almighty* will strike your Heart with Mercy and Compassion for me, as he has done mine with the Abhorrence of what I have done. Therefore, I hope, Sir, I may live to shew you how zealous I shall ever be for your Service; and could I say but one Word in this Letter, you would be convinced of it; but it is of that Consequence, that I dare not do it. Therefore, Sir, I do beg of you once more, to let me speak to you, for then you will be convinced how much I shall ever be,

Your Majesty's most Humble and Dutiful

MONMOUTH.

[*Out of Sir* Thomas Webster's *Collection.*]

A New TEST of the CHURCH OF ENGLAND'S LOYALTY.

With ALLOWANCE.

[*Hitherto, we have only seen the most decent Part of the Controversy, which, at this Time, raged between the* King *and the* Church *of* England, *when they stood forth on each Side in their own Characters, and, for that Reason, were obliged to observe Decorum: But in the two following Pieces, or in the first of them at least, we shall find that the same Temper and Decency were not always observed. The Church of* England, *it is plain, could not act up to her own Professions; and the Moment they hesitated, the King forgot their Services. In the Expostulations that followed, the Gall of each Party overflowed; and as on the one Hand, the Courtiers would not allow the Churchmen to be* loyal, *so, on the other, the Churchmen were resolved not to lose the first Opportunity that offer'd, to make the Courtiers* eat their Words, *or if not, to make them sensible, that they had given them a sufficient Provocation to be* otherwise.]

I Have often consider'd, but could never yet find a convincing Reason, why that Part of the Nation, (which is commonly called the *Church of England*) should *dare* appropriate to themselves alone the Principles of true *Loyalty*, and that no other *Church* or *Communion* on Earth can be consistent with *Monarchy*, or indeed with any Government.

This is a Presumption of so high a Nature, that it renders the *Church* of *England* a despicable Enemy to the rest of Mankind. For what can be more ridiculous than to say, that a Congregation of People calling themselves a *Church*, which cannot pretend to an *Infallibility* even in Matters of Faith, having since their first Institution made several fundamental Changes of Religious Worship, should, however, assume to themselves an *Inerrability* in point of Civil Obedience to the Temporal Magistrate? Or what can be more injurious, than to aver, that no other *Sect* or *Community* on Earth, from the rising to the setting Sun, can be capable of this singular Gift of *Loyalty?* So that the *Church* of *England* alone (if you have Faith enough to believe her own Testimony) is that beautiful Spouse of *Christ*, holy in her *Doctrine*, and *infallible* in her Duty to the Supreme Magistrate, whom (by a *Revelation* peculiar to herself) she owns both for her Temporal and Spiritual Head. But I doubt much whether her *ipsa dixit* alone will pass current with all the Nations of the Universe, without making further Search into the Veracity of this bold Assertion.

We will allow them, however, (and that's the only Thing, in my Opinion, they can value themselves upon) that most of the Members of this *Communion* have been faithful and serviceable to King *Charles* I. during the unhappy Commotions in his Reign: But they must allow us, on the other Hand, that it was the Ambition of that *Church* to force an *Universal Uniformity* to her *Liturgy* and *Discipline*, occasioned that War; and the good King lost both his Life and Crown in the Attempt. And I pray, what Work of Supererrogation is it in

them, not to have joined with the *common Enemy* to cut their own Throats? Or to have done that which the Law of Nature dictates to every Individual in his own Defence? The Case of the *Romanists* in those Days was quite different from theirs, for they freely exposed their Lives and Fortunes in the King's Service, without any Regard or Prospect of Self-Interest: For whether his Majesty lost or won, they expected no Benefit by the Change. They were to hope for no Quarter from the Rebels (for it was never known that any of their Communion served that Party;) and on the other Side, the King himself seemed to disown them in all Treaties with the *Parliament*, and banished them at last, both from his *Court* and *Army*, to comply with the Importunities of his own *Protestant* Party, who would needs have it so. It is much doubted, whether those of the *Church* of *England*, had they met with Recompenses of this Kind, would have been half so forward to serve a Prince, who, instead of cherishing and rewarding, should reject and banish them; tho' they take never so much Pains now to persuade the World, that *Loyalty* is of the Essence of their Religion. Let us but examine the Carriage and Behaviour of this *Church*, both in her *Infancy*, and now in her *Old Age*, and we shall easily perceive the vast Difference between the *Loyalty* of her Members to *Catholic Princes*, and the Fidelity of *Catholics* to *Protestant Kings*.

She began her *Infancy* under *Edward* VI. an Infant King, when that famous *Confession* of *Faith* was compiled in Thirty-nine *Articles*. No sooner was *Edward* called away, but she endeavoured, with all her Might and Power, to set up a *Brat* of her own to possess the Crown, and to exclude Queen *Mary*, the only legitimate Child of *Henry* VIII. because she was a *Catholic*. After Queen *Mary*'s Death, *Elizabeth*, a *known Bastard*, raised this *Prelatic Protestancy* called the *Church* of *England*, as a Prop to support the Weakness of her Title: And they no sooner found themselves re-established, than they enacted these bloody *Canibal* Laws (a sufficient Testimony of their Moderation and Tenderness) to Hang, Draw, and Quarter the Priests of the Living God, from whom they themselves pretend to derive their immediate Succession: Laws that have been, and are to this Day, abhor'd and exclaimed against by all the *Reformed Churches* of *Christendom*. *Imprisonment*, *Banishment*, and *Confiscation of Goods*, were the moderate *Church*-of-*England*'s Laws in Favour of the *Laity*, but severely executed in those Days. And to crown the extraordinary *Loyalty* of the Members of this *Church*, they barbarously murdered the undoubted Queen of *Scotland*, the Queen *Dowager* of *France*, and the lawful Heir of the Crown of *England*; inhumanly denying her a *Priest* of her own Communion to assist her in the Agony of Death.

The greatest Zealots of the *Church* of *England* will not, I hope, have the Confidence to alledge, that this execrable Fact, and the first of the Kind, was contrived and executed by *Presbyterians*, *Independants*, or *Anabaptists*. Our *Records* and *Histories* clearly make out, that the Members of that *Church* were the only Men who then voted in *Parliament*, who sate in *Council*, who were the *Commissioners* delegated to try and condemn *Mary* Queen of *Scots*, and the lawful Queen of *England*, whom they beheaded on a public Scaffold, to the Scandal and Reproach of *Christianity*; and this done without the least Remorse or Repentance, no *Prelate*, *Peer*, *Judge*, or *Senator* of that *Communion*, having

ever

ever yet declared his Resentment against this barbarous Act. *Behold here an incomparable sort of* Loyalty, *to set up the Title of a Bastard, and to murder the* legitimate *Heir. And some have affirmed in Print, that King* Charles I. *came to the same tragical End, for being too zealously devoted to a* Church, *which proved so cruel and treacherous to his Grandmother; and gave the first Precedent of cutting off a crown'd Head by the Hands of a Hang-man.*

If therefore assisting *Usurpers* to invade the Crown; if *condemning and executing the lawful Prince; if persecuting their Fellow Subjects with Death and Confiscation of Goods; and if standing out in Opposition to their Sovereign, when he is of another Religion*; if these, I say, be sufficient Testimonies of *Loyalty*, we must own the *Church* of *England* to have been hitherto unparallel'd in her Duty. But if this be not the true *Test* of loyal Subjects, I doubt our Rock of *Loyalty* will soon degenerate into a Rock of Scandal, of Disobedience and Rebellion; whereof we need no further Evidence than her present Behaviour, now in her *Old Age*, towards our gracious Sovereign King *JAMES* II.

His Sacred Majesty no sooner took Possession of the Throne, than he was graciously pleased to make a most favourable *Declaration* in Behalf of the Members of the *Church* of *England*, promising to maintain that Church, *as* it was by *Law established:* And this early Promise from a Prince, who was known to be always true to his Word, seemed to elevate their drooping Spirits, and dissipate those dismal Clouds of fearful Apprehensions, which their ill Jealousy was apt enough to conceive of a Prince of the *Roman Communion*. So that it might be rationally expected from a People so prudent and loyal as these of the *Church* of *England* would pass for in the World, to do something on their Part, that might express a grateful Acknowledgment; which could be no less than the *Repeal* of the *Sanguinary Penal Laws*, and the late impious *Tests:* The first being purposely enacted to maintain the *Usurpation* of Queen *Elizabeth*, and the last being contrived designedly to exclude the present *King*. But my *Loyal Gentlemen* have been hitherto so far out of the right Bias, that, in lieu of taking off the *Tests* and *Penal Laws*, (which all People expected from them in point of Gratitude and good Manners) they made a solemn *Address* to his *Majesty*, that none should be employ'd who were not capacitated by the said *Laws* and *Tests* to bear Offices Civil and Military. That is to say, in short, *Your Majesty must have none, either in your Army, or at Court about your Person, but such as really believe, and will swear to it, that you are an Idolater:* For that's the plain *English* of the *Test*. Now let me ask any indifferent Man, what Security can a Prince have, who must keep none about him, but such *Christians* that are fully convinced in their own Judgment, that he is a *Pagan?* If the same People made it Penal heretofore in the Reign of King *Charles* II. to call the King a *Papist*, or a *Heretic*, upon a Supposition that that *true Protestant Subject* could not be faithful to the King, if he were suspected to be any way inclined to *Popery* or *Heresy*; what Security can they now give, that the same *Protestants* will be true to a Prince who is a declared *Papist*, and an *Heathen* to boot, by a new *Article of Faith*, which is of greater Force and Value than the Thirty-nine that went before?

But (says the *zealous Protestant* of the *Mother Church*) *If you repeal the* Test, *you take away the Bulwark that defends the* Church; *for if that were once demolished, the Enemy would rush in, and possess all: And it is a delicate innocent* Church,

Church, *that cannot be ſafe but in a fortified Place.* I muſt confeſs, it is a great Argument of her Modeſty, to own herſelf weak and unable to ſubſiſt, without the Support of *Parliamentary Laws*, to *Hang*, *Draw*, and *Quarter* her *Oppoſers*; and without a coercive Power too in herſelf to *Fine* and *Excommunicate* all *Recuſants*, and *Nonconformiſts*. *Prayer*, *Faſting*, *Mortification of the Fleſh*, and other Auſterities, are not, it ſeems, ſo proper Means to remove the Fears and Jealouſies of her tender Conſcience; ſhe muſt make uſe of more powerful Engines for her own Security. The *Primitive Chriſtians* flouriſhed under Perſecution, for the Space of three Hundred Years; and the *Catholics* of theſe Kingdoms have been almoſt continually ſuffering theſe hundred and fifty Years paſt. If this new *Proteſtant* Church be from *God*, why ſhould they deſpair of the ſame Providence, without being guarded by ſo many Acts of *Parliament?* Where is the Aſſurance that the *Apoſtolical Church* (as they call themſelves) ſhould have in the Aſſiſtance of the *Holy Ghoſt*, *who is to continue with the true* Church *till the Conſummation of the World?* And what is now become of this celebrated *Loyalty* to the Temporal Prince, which no People could have in ſo eminent a Degree as thoſe of the *Church* of *England?* It is very remarkable that the *Roman Catholics* conſtantly adhered to King *Charles* I. when he diſowned and rejected them; and that the Church of *England Proteſtants* do not now truſt King *James* II. when he gives them ſo many freſh Aſſurances of his Royal Protection: Whereby the vaſt Difference between the *Loyalty* of the one, and that of the other is clearly diſcern'd.

As for the *Teſts* themſelves, it is not my Province to ſhew the Abſurdities of them in point of *Doctrine.* For my Buſineſs is, to ſet forth in its own Colours the extraordinary Loyalty of theſe Men, who obſtinately maintain a *Teſt*, contrived by the *Faction* to uſher in the **Bill of Excluſion**: Though, by the by, I muſt hold it a great Folly to ſay, that *Tranſubſtantiation* is not a *probable* Opinion at leaſt, conſidering the Number and Learning of thoſe who maintain it, which is the beſt Part of *Chriſtendom*; and if it be a probable Opinion, it muſt be a great Temerity in any Man to *ſwear* there is no ſuch thing. And, ſeeing the *Real Preſence of* Chriſt's *Body* in the *Euchariſt*, is confeſſed by the moſt eminent Divines of the *Reformation*, and by the greateſt Prelates, and moſt famous Doctors of the Church of *England*, I ſhould think that this new *Tenet*, which makes it *Idolatry* to adore the *Divine Body of* Chriſt (whether there be a *Tranſubſtantiation* or not) muſt certainly favour more of a *Mahometan* than of *Chriſtian* Doctrine. And it is much admired (even by ſome of her own Children) that the grave and matron-like Church of *England*, which values herſelf ſo much for her Antiquity, ſhould be over-fond of a new Point of Faith lately broached by a famous *Act of an infallible* Engliſh *Parliament* convened at *Weſtminſter*, and guided by the Holy Spirit of *Shaftſbury*. But I doubt there are ſome *Parliaments* in the World, which will not ſo eaſily admit this new *Article* into their *Creed:* Tho' the Church of *England* labours ſo much to maintain it, as a ſpecial Evidence of her ſingular *Loyalty*.

So that, upon the whole Matter, the *Loyal Church* of *England* muſt either change her old Principles of *Loyalty*, and take Example by her *Catholic* Neighbours how to behave herſelf towards a Prince who is not of her Perſuaſion; or ſhe muſt give his Majeſty Leave not to nouriſh a Snake in his own Boſom, but

rather to withdraw his Royal Protection, which was promiſed upon the account of her conſtant Fidelity: For it is an approved Axiom in *Philoſophy*, *Ceſſante cauſa tollitur effectus*; and we have a common Saying of our own, *no longer Pipe, no longer Dance*. And now let us leave the *Holy Mother Church* at Liberty to conſult what new Meaſures of *Loyalty* ſhe ought to take for her own dear Intereſt, and, for aught I know, it may be worth her ſerious Conſideration.

Some Conſiderations about the NEW TEST of the Church of *England*'s Loyalty: In a LETTER from a Country Gentleman; occaſioned by the preſent Invaſion.

SIR,

I Have great Obligations to you for the continual Accounts you ſend me; I have not Power, or if I had, I am not at Leiſure to expreſs my Engagements. For to tell you truly, your late Accounts of our ſtrange Revolutions, do ſo fill my Thoughts, that I am pauſing upon them continually. Indeed you have all along repreſented Things as became that important Station and honourable Character you bore when the Crown was in Danger the Time before. But I muſt needs ſay, that in theſe latter Relations you have ſo inſtructed me, that I am at a perfect Loſs with myſelf whether you have been more juſt or kind: For, as indeed the Caſe required, you have given me ſuch a particular View of Things, that if I lived in *London*, and had thoſe complete Freedoms which you enjoy with ſo many Men of Senſe and Quality, yet I ſhould never be able to form ſo exact an *Idea* of our Public Affairs, as I take from your Paper, as it lies before me. I have alſo had the Pleaſure of entertaining my Friends at your Expence, for ſo the Honeſty and Ingenuity of your Letters required I ſhould. Beſides, it was neceſſary to inform my Neighbours, that we might find out by Conſultation which were the beſt Methods to ſerve his Majeſty, now his *Neceſſity* calls for our Help again, and his Wiſdom does us the Honour to command it.

You remember, Sir, (ſince you made us happy in your Converſation) what a *conſiderable Neighbourhood* we have, how Perſons of Honour and Quality, Loyalty, and Conformity, live *thick* about us, and what a powerful *Influence* they have upon the *common People*, I leave this to your Reflection. But it was neceſſary I ſhould put you in mind of it, in order to what I am going to ſay; for now I am coming to ſet down thoſe Thoughts which cauſed you this Trouble.

And yet, before I can ſpeak directly, I muſt obſerve the Seaſonableneſs of theſe Conſiderations.

There is a Time for every Purpoſe, ſaid the wiſe King *Solomon*, and 'tis made good in this Particular; *for if that* be the Time to conſider and expoſe falſe Reaſonings, *when our Adverſaries are bound to take Notice of what we ſay*; then this is the very Time to vindicate ourſelves from thoſe odious Slanders which have been outrageouſly thrown upon us. Particularly in *May* 1687. there came out

a ſcandalous Paper called, *A new Teſt of the Church of* England's *Loyalty:* The Deſign of which Paper is to prove, that our Eccleſiaſtical Conſtitution, as 'tis now Reform'd, was hatch'd, nouriſh'd, and ſupported to this Day, by diſloyal and treacherous Practices. I need not prove that this is the Pretence of the Paper, for we ourſelves remember it *ſufficiently*, and the Author of it will not, I am ſure, pretend that I *miſrepreſent* him.

If all the Inſtances he brought to prove his Accuſation, had been true, it had yet been no Blemiſh to our Church at all.

'Tis an horrid Practice of theſe Adverſaries, and they have been as loudly told of their Reaſonings againſt us, to the Damage, and, if they could, to the Ruin of our *common Chriſtianity*. And ſuch, amongſt many others, is this Method of Reaſoning againſt Mens Practices in ſpight of their Principles. For what if ſome of our Members prove diſloyal, 'tis yet no more Reproach upon our Eccleſiaſtical Conſtitution, than the wicked Lives of *Chriſtians*, if objected by a *Turk*, would be an Argument againſt the divine Inſtitution of our Bleſſed *Lord* himſelf.

Thus his Paper would have been good for nothing, if his Inſtances had been true; but how utterly falſe they are, his judicious Anſwerers have plentifully ſhewn.

Theſe worthy Perſons have done more than was neceſſary in expoſing this Paper, for every common Reader diſcerned the Deceit of it, and therefore it is not my Intention to add any particular Reflections; tho' if I wrote to gratify any Pique, I could not forbear, there are ſo many lewd Things in the Paper, which have not been yet expoſed. But my Deſign is only to ſhew our unthinking Adverſaries the plain Conſequences of it, and how much Miſchief this Paper, *and that which followed to abet it*, *NOW* does the Royal Cauſe, 'till a *Mark of Infamy* be fixed upon them.

For, in a Word, the Diſpute is not between him and me, but between theſe Raſcally Papers and his moſt Sacred Majeſty.

For the plain Relation of the Caſe is thus:

His Majeſty, upon his coming to the Crown, did graciouſly (let me add) *and gratefully acknowledge* our Loyalty. His ſacred Words are theſe: *I know the Principles of the Church of* England *are for Monarchy, and the Members of it have ſhewn themſelves good and loyal Subjects.*

And again, at the Opening of the Parliament, *May* 23, 1685. *What I ſaid to my Privy Council, at my firſt coming there, I am deſirous to renew to you; wherein I fully declared my Opinion concerning the Principles of the Church of* England, *whoſe Members have ſhewed themſelves eminently loyal in the worſt of Times, in Defence of my Father, and Support of my Brother of bleſſed Memory:* Here are Principles and Practices too. But this little Author, on the contrary, ſays, *We muſt change our old Principles of Loyalty.* This, ſurely, is bad enough to be ſaid directly in the Face of our Royal Maſter; and if it were for this Reaſon only, methinks the Paper ſhould not have *an Allowance* to the Printing.

Perhaps they will excuſe themſelves, by ſaying as they have done, that we have forfeited the King's Protection, and ſo he may break his Word with us.

They have ſaid ſo indeed, *to the King's Damage*, but be ſure our preſent Circumſtances will convince them that 'tis falſe; and then there will be no Reme-

dy, but this desperate Paper must be stigmatized, or else it will fly in the King's Face, and deceive Posterity into an Opinion that he began his Reign with (what I abhor to mention) a *solemn and deliberate Falshood* in his Mouth. But there is yet another Scene of Mischiefs which will be sure follow, if this Paper be still protected.

We heard some Reports, *or Amusements rather*, about the *Dutch* Preparations; but when you sent the *King's Proclamation*, dated the 28th of *September* last, we then thought seriously of Things, and stood on *Tiptoes*, as it were, to see what was the Matter, and what Measures would be taken.

When behold we found the King so far from believing that we had forfeited our Right to *his Promise* and *Protection*, or that we were disloyal and treacherous, as this Pamphlet slanders us, that he did not think himself safe, till we again were made his Life-Guard.

I might alledge many Things to prove what I now assert, but I only alledge that famous *Proclamation*, as Posterity will call it, dated the 17th of *October* last, by which *Proclamation* the King entrusts again all his *Corporations* in the Hands of the Church of *England*.

We thank the King abundantly for his Goodness towards us; but 'tis not my present Business to invent handsome Expressions, for we are now considering *the Mighty Trust*, and taking Notice how it flatly contradicts this provoking Pamphlet; so that a second Time the Matter comes to be debated, as it were, between this wicked Author, and our dread Sovereign.

But the King, as he is gracious, so he has manifested himself to be superlatively tender to those of his own Persuasion; and so I shall insist no longer upon this Mischief, lest I wholly lose my Labour; for I am dealing with Adversaries, who care not much for the King's Honour, as they have shewn the World abundantly; and the King, surely, has too much Goodness to insist upon it against them.

But now, if the Members of this Communion should fail him! A Man that loves his King and Country, does even shrink at the Supposition: But because there is no Harm in the bare Supposal, we will imagine that they may. I need not be told, that we ought to do our Duty to the King, whatever Disappointments or Severities we meet with; *and, by the Grace of* God, *we resolve that we will.*

But yet these Men should consider, that we are frail Men, and our Passions may be provoked, 'till they master our Reason, and then indeed, tho' we shall be guilty, yet neither will they be innocent; *and be sure the Misery will be chiefly theirs.*

And now let's look upon those *high Provocations* they give us. 'Tis plain, if the King may be Judge from first to last, they are all unreasonable, and that is a most provoking Circumstance.

But I shall be so exceeding fair with our Adversaries, as to overlook a whole Multitude of Exasperations, and confine myself to this bold Paper; and this surely will oblige them, and so will have some good Effect.

'Tis twice already within the Compass of seven Years, that we have hazarded our Lives and Fortunes in the Service and Defence of this very Prince, and by *God*'s Goodness have been successful too, and that is an endearing Circumstance.

But

But now that we are called upon for farther Aſſiſtances, we ſhall be apt t enquire what *Returns* have been made to our *paſt Services?*

I never mean from the King, but from the *Papiſts*, for they are the greateſt Gainers; and, being our Fellow Subjects, are be ſure our Debtors.

Why, if this Queſtion ſhould be aſked, and may be anſwered, it muſt be replied, That by way of Recompence, we are reproached as diſloyal and treacherous, in a Paper that comes out WITH ALLOWANCE, and ſo is made into *a Record* againſt us, and ſhall, *ſo far as they can effect it*, be an Evidence to Poſterity, that ever ſince the *Reformation*, we are one continued Race of Villains.

Now this is a Carriage would amaze one beyond what any Exclamation, or Notes of Admiration can deſcribe: But as I direct myſelf to the *Romaniſts*, ſo I ſhall not attempt to move them by any Paſſion or Affection, or any thing leſs than the King's and their own dear Intereſt.

We ought indeed to do our Duty, *thro' evil Report and good Report*, as the Apoſtle expreſſes it, *and by the Grace of* God *we will.*

But yet we are a Mixture; for, like other Societies of Men, *the Tares and the Wheat grow up together.*

What a ſtupid Folly, therefore, and deſperate Madneſs is it to jeer us out of our Loyalty, as in another Paper, *Printed Permiſſu Superiorum*, or to tempt and provoke us to be diſloyal, by ſlandering and reproaching of us upon Record for a Race of Traitors, notwithſtanding all our eminent Services to the Crown?

I ſay, what ſtupid Folly and deſperate Madneſs is it to uſe us thus, when if they could prevail upon us, they themſelves muſt periſh for their Pains!

But if our Reaſoning upon all that's paſt, proves ineffectual, yet NOW methinks, when his Majeſty wants and truſts to us ſo much; NOW ſurely they ought to lay all the Engagements upon us, and give us all the Encouragements that ever they can, to obey the King, and defend them.

To ſay only that 'tis our Duty, and we are bound to do it, is to ſay plainly, that they know nothing of human Nature; and to give yet a farther Proof to the World, that they have no Skill at all in Politics.

The Wiſdom of our Prince has judged far otherwiſe; for he has condeſcended to do ſeveral Acts of Grace, *and to renew his Promiſes*, that ſo he might the more engage and encourage us to ſerve him.

So that they muſt again go contrary to the King's Prudence, as well as againſt his Intereſt, if they do not make Amends for the Injuries they have done us. This is ſo plainly reaſonable, that I ſuppoſe we agree thus far.

But here comes the Pinch of the Buſineſs: What *Injuries* have they done us? And what *Amends* would we have them make us?

I have limited myſelf before to conſider only this *New Teſt*, and I will keep my Method; and now that this is *an Injury with a Witneſs*, is undeniable.

For unleſs the King was ignorant after ſo many Years Experience of us, or unleſs he began his Reign with a *deliberate Falſhood* in his Mouth: Or yet again, unleſs he is NOW ſo imprudent, at leaſt, to repoſe his greateſt Confidence in this imminent Danger, in the Hands of thoſe whom he knows are falſe.—My Reverence for the King, ſtrikes me with a ſacred Awe, whilſt I do but ſet down theſe Things; but yet they are all true, or elſe, this Paper is a *groſs, lying, infamous Libel.*

And

And for the MISCHIEFS it does the Royal Cauſe, which is the next Conſideration. Now,

If dangerous Temptations and outrageous Provocations to be diſloyal, be an Injury to the King's Intereſt? Or again, if the King himſelf has done wiſely in his late Condeſcenſions and Acts of *Grace*; that ſo, like *God* Almighty, he might allure us to do our Duty, and encourage us in it?

Why then, like *Satan*, have they oppoſed the King's Method, diſcouraging and hindering us all they can; and if ſtill we will be loyal, it is becauſe they are not able to help it.

But then becauſe we have ſo much Infirmity and Corruption about us, *it is much to be feared*, that like thoſe wicked Inſtruments, they will ſlacken ſome, and pervert others from their Duty: And thus you ſee the Miſchiefs of this wretched Paper, are only as great as the whole Cauſe itſelf is worth.

Perhaps you will ſay I aggravate the matter too far upon a ſingle private Paper: But then you do not conſider the *Allowance*, which makes it a public, authentic Act, ſo far as concerns that Party, and ſo long as the Paper ſtands with this Mark of public Eſteem upon it, it is an open Declaration that they account us diſloyal, and muſt uſe us as ſuch whenever they can.

So that, upon the whole, it is neceſſary to put a *Mark* of Diſgrace upon this Paper, and the very refuſing of it, *is to ſtand by the Allowance*, and call us Traitors ſtill in Oppoſition to the King, and to all the Damage they can do him, by enfeebling thoſe Hands in which he puts his greateſt Hopes.

Perhaps I may be aſked, why I put Men in Mind of this again? But this ſuppoſes it had been forgotten; whereas I can aſſure them, their *New Teſt printed with Allowance*, is ſtill *freſh* in Memory, and I have not *revived* it, as every Body will anſwer for me. But my honeſt Reaſon for this Paper at this Time, is becauſe that NOW is the *Seaſon* to make us Amends, for if they will not do it *now*, upon ſo reaſonable a Demand, they would for certain never have done it; and if they will do it *now*, *they could never have done it at a better Time.*

I do not at all conſider whether this be a Clergy or a Lay *Allowance*; let us but have a *Cenſure* againſt it by any public Authority amongſt them, and that will be ſome Satisfaction; for we ſhall thereby ſee their Wiſdom and true Zeal for the King together.

I have a long Time wiſhed, that we might try the Ingenuity of the *Roman Catholics*, in a Matter where their Religion is nothing concerned; and now here is an Opportunity put into their Hands, and I hope they will uſe it well. They may account this for a private Paper, but I can aſſure them, the Eyes of the Nation are *now* fixed upon them, to ſee how they will behave themſelves, as in other Particulars, *ſo in this.*

If I did not eſteem them as Men of Underſtanding, I would ſuggeſt, how it could be no Diſgrace or Shame, but *an Honour and Reputation* to retract or diſown *this Paper* publicly.

And now, dear Friend, I have ſaid what occurs to my Thoughts upon this Matter, and I did it becauſe truly I had a Mind, that ſomething to the Purpoſe ſhould be made public, and I thought it not reaſonable to deſire it of you, without giving ſome Hints of my Deſign: I have now done when I have only added, that the whole is at at your Diſpoſal abſolutely, for I am, *&c.*

Juſt as this is coming away, we hear for certain that the Prince of *Orange* is landed with a great Army, which confirms the Deſign, and ſtrengthens the Reaſon of this Paper; for NOW *before* his Majeſty's Affairs do *cry mightily* for that PUBLIC SATISFACTION, which every dutiful Son is BOUND to demand, in Behalf of his Holy Mother the Church of *England*; and if the *Romaniſts* will not give it us in ſuch a *Neceſſity*; they muſt be conſidered as the worſt Enemies the King has.

N. B. *The two preceding Pieces ought to have followed immediately after the Biſhops Petition, which the Reader will find farther on.*

[*It is now to be obſerved,* 1. *That the King, in the* November *following, met his Parliament, the ſecond Time; and, in the Stile of a Maſter, gave them to underſtand, not only, that a* Standing Army *was neceſſary for the Support of Government; but alſo, that he had already eſtabliſhed one, which he expected them to provide for: That among the Commanders* ſome *were not qualifyed according to the late* Teſt, *for their Employment; and that, to deal plainly with them, the ſaid Officers having approved the* Loyalty *of their* Principles *by their* Practices, *he would not expoſe them to Diſgrace, nor himſelf to the Want of them.* 2. *That, the Commons not proving ſo tractable as the King expected, but on the contrary addreſſing him, tho' in very reſpectful Terms, againſt the ſaid Officers, and reducing the Supply demanded, from* 1,200,000 *to* 700,000*l. his Majeſty thought fit to prorogue them without accepting the ſaid Supply. And,* 3*dly, That in this Interval, probably, as a previous Step to another favourite Meaſure of the Court, (for Mr.* Pen, *the famous Quaker, was a known Privado of his Majeſty's) the following Caſe was ſet forth.*]

To the KING, and both Houſes of PARLIAMENT, the ſuffering Condition of the peaceable People, called *QUAKERS*, only for tender Conſcience towards *Almighty God*, humbly preſent,

SHEWING, That of late, One Thouſand Five Hundred of the ſaid People (both Men and Women) having been detained Priſoners in *England*, and Part of them in *Wales*, (ſome of which being ſince diſcharged by the Judges, and others freed by Death, through their long and tedious Impriſonment) there are now remaining (according to late Accounts) about One Thouſand, Three Hundred, Eighty and Three, above Two Hundred of them Women: Many under Sentence of Premunire (both Men and Women) and more than *Three Hundred* near it; not for denying the Duty, or refuſing the Subſtance of Allegiance itſelf, but only becauſe they dare not ſwear. Many on Writs of *Excommunication*, and *Fines* for the King, and upon the Act for *Baniſhment*. Beſides above *Three Hundred and Twenty* have died in Priſon and Priſoners, ſince the Year 1660; near *One Hundred* whereof, by means of this long Im-

Impriſonment, (as it is judged) ſince the Account delivered to the late King and Parliament, in 1680. thereby making Widows and Fatherleſs, and leaving them in Diſtreſs and Sorrow: The two laſt hard Winters Reſtraint, and the cloſe Confinement of great Numbers in divers Goals, unavoidably tending towards their Deſtruction, their Healths being evidently impaired thereby.

And here in *London*, the Goal of *Newgate* hath been from Time to Time crowded, within theſe two Years, (ſometimes near Twenty in one Room) to the Prejudice of their Health; and ſeveral poor innocent Tradeſmen, of late, have been ſo ſuffocated by the Cloſeneſs of the Priſon, that they have been taken out ſick of a malignant Fever, and died in a few Days after.

Beſides theſe long continued and deſtructive Hardſhips, upon the Perſons of Men and Women, as aforeſaid, *great Violences*, *outragious Diſtreſſes*, and *woeful Havock* and *Spoil* have been, and ſtill are, frequently made upon our Goods and Eſtates, both in and about this City of *London*, and other Parts of this Nation, by a Company of idle, extravagant and mercileſs Informers, and their Proſecutions upon the *Conventicle Act*, many being convicted and fined *unſummoned* and *unheard* in their own Defence. As alſo on *Qui tam*-Writs, at the Suit of Informers, (who proſecute for one third Part for themſelves) and on other Proceſſes, for *Twenty Pounds a Month*, and *Two Thirds of Eſtates*, ſeized for the King: All tending to the *Ruin* of *Trade*, *Huſbandry* and *Farmers*, and the *impoveriſhing* of many *induſtrious Families*, without Compaſſion ſhewn to *Widows*, *Fatherleſs* or *Deſolate*. To ſome not a *Bed* left to reſt upon; to others, no *Cattle* to till their Ground, nor *Corn* for Bread or Seed, nor *Tools* to work withal: The ſaid Informers and Sheriffs Bailiffs in ſome Places being *outragious* and *exceſſive* in their *Diſtreſſes* and *Seizures*, breaking into Houſes, and making great Waſte and Spoil. And all theſe and other Severities done againſt us by them, under Pretence of ſerving the *King* and the *Church*, thereby to force us to a *Conformity*, without inward *Conviction* or *Satisfaction* of our tender Conſciences, wherein our Peace with *God* is concerned, which we are very tender of.

The Statutes on which we, the ſaid People, ſuffer *Impriſonment*, *Diſtreſs* and *Spoil*, are as followeth.

The 5th of *Eliz. chap.* 23. *De Excommunicato Capiendo.*

The 23d of *Eliz. ch.* 1. *for twenty Pound per Month.*

The 29th of *Eliz. ch.* 6. for *Continuation.*

The 35th of *Eliz. ch.* 1. for *abjuring the Realm, on Pain of Death.*

The 1ſt of *Eliz. ch.* 2. for *twelve Pence a Sunday.*

The 3d of King *James* 1. *ch.* 4. for *Præmunire*, *Impriſonment during Life, and Eſtates confiſcated.*

The 13th and 14th of King *Charles* II. *againſt Quakers*, &c. *Tranſportation.*

The 22d of King *Charles* II. *ch.* 1. againſt *Seditious Conventicles.*

The 17th of King *Charles* II. *ch.* 2. againſt *Nonconformiſts.*

The 27th of *Henry* VIII. *ch.* 20. ſome few ſuffer thereupon.

Upon Indictments at *Common-Law*, pretended and framed againſt our peaceable, religious Aſſemblies, for *Riots*, *Routs*, *Breach of the Peace*, &c. many, both Men and Women, thereupon fined, impriſoned and detained for Non-Payment, ſome till Death. Inſtance the City of *Briſtol*, what a great Number

Number have been these diverse Years straitly confined and crowded in Goal, mostly above *One Hundred* on such Pretence, about *Seventy* of them Women, many aged. And in the City of *Norwich*, in the Years 1682, and 83, about *Seventy* kept in Hold, *Forty Five* whereof in Holes and Dungeons for many Weeks together, and great Hardships have been, and are in other Places. So that such our peaceable Meetings are sometimes fined on the *Conventicle Act*, as for a *Religious Exercise*, and other Times at *Common Law*, as *Riotous*, *Routous*, *&c.* when nothing of that Nature could ever be proved against them, there being nothing of *Violence* or *Injury* either *done*, *threatened*, or *intended* against the Person or Property of any other whatsoever.

The during and tedious *Imprisonments* are chiefly on the Writs *De Excommunicato Capiendo*, upon the Judgment of *Præmunire*, and upon *Fines*, said to be for the King.

The *great Spoil*, and *excessive Distresses* and *Seizures*, are chiefly upon the *Conventicle Act*, and for *Twenty Pounds a Month*, *Two Thirds of Estates*, and on *Qui Tam Writs*. In some Counties, diverse have suffered by *Seizures* and *Distresses* above eight Years last past; and Writs lately issued out for further Seizures in several Counties, for *Twenty Pounds a Month*, amounting to the Value of many *Thousands* of *Pounds*; sometimes seizing for eleven Months at once, and making Sale of all Goods and Chattels, within Doors and without, both of *Houshold-Goods*, *Beds*, *Shop-Goods*, *Moveables*, *Cattle*, &c. and Prosecution hereupon still continued, and in diverse Counties much increased. So that several, who have long employed some Hundreds of poor Families in Manufacture, and paid considerable Taxes to the King, are greatly disabled from both, by these Writs and Seizures, as well as by long Imprisonments. So many Serge-makers of *Plymouth*, as kept above five Hundred poor People at Work, disabled by Imprisonment. Many in the County of *Suffolk*, under a long Imprisonment, sentenced to a *Præmunire*, one whereof employed at least two Hundred poor People in the Woollen Manufacture, when at Liberty. Omitting other Instances, that we may not seem too tedious, these may evince how destructive such Severities are to Trade and Industry, and ruinous to many poor Families.

On the Conventicle Act, within these two Years last past, many in and about this City of *London*, have been extremely oppressed, impaired, and spoiled in their Estates and Trades, upon numerous Convictions and Warrants made against them in their Absence, upon the Credit of Informations sworn by *concealed Informers*, diverse of them *impudent Women*, who swear for their Profit in part of the Fines and Seizures, their Husbands being Prisoners for Debt, thro' their own Extravagancies. The Warrants commonly made to break open and enter Houses, which is done with Rigour and great Spoil, not sparing *Widows*, *Fatherless*, or *poor Families*, who are sustained by their daily Care and Industry, not leaving them a Bed to rest upon: The Fines upon one Justice's Warrants amounting to many Hundreds of Pounds; frequently ten Pounds a Warrant, and two Warrants at once for twenty Pounds executed upon one Person; and three Warrants at once from another Justice, for sixty Pounds, upon another Person, and all his Goods carried away in about ten Cart-Loads; and five Warrants at once, for fifty Pounds, upon another, *&c.* besides what we have suffer'd

by others in the like Kind. And in this deſtructive Courſe the Informers have Encouragement, and are ſuffered ſtill to go on, to the ruining many Families in their Trades and Livelihoods; diverſe ſo diſcouraged and diſabled, that they are forced to give over their Shops and Trades.

Theſe Informers being accepted for credible Witneſſes, *yet Parties, ſwearing for their own Profit and Gain, in the Abſence of the Perſons proſecuted*; this, we think, is a very hard and undue Proceeding, and not conſiſtent with Common Law or Juſtice.

As alſo Convicting and Fining us, upon their Depoſitions, unſummoned and unheard in our own Defence, and ſo keeping us ignorant of our Accuſers, unleſs upon Traverſe of our Appeals. This Procedure appears contrary to the Law * of God, common Juſtice and Equity, and to the Law and Juſtice of the ancient *Romans* †, and of Nations.

And although it has been openly manifeſted, upon Trial of Appeals, at ſeveral Quarter Seſſions, both for *Middleſex* and *London*, and other Places, that the Depoſitions of diverſe Informers have been falſe in Fact, yet the great Trouble and Charge in the Traverſe of Appeals, and the great Encouragement Informers have from him who grants the moſt Warrants, hath been a Diſcouragement to many from ſeeking ſuch difficult Remedy; conſidering alſo the treble Coſts againſt the Appellant, in caſe he ſucceeds not, or is not acquitted upon Trial; whereas there is no Coſts nor Reſtitution awarded or given againſt the Informers, for unjuſt Proſecution. Some alſo having refuſed to grant Appeals, others denied Copies of Warrants, to prevent Appeals; which, whether this be equal or juſt, pray conſider, ye that are wiſe and judicious Men; and whether it be for the King's Honour and the People's Intereſt, that idle, drunken, extravagant Informers ſhould either be encouraged, or ſuffered to go on thus, to ruin Trade, Huſbandry, and Families, or to command and threaten Juſtices of Peace, with the Forfeiture of an Hundred Pounds, if they do not make Convictions, and iſſue out Warrants upon their bare Informations and uncertain Depoſitions, frequently in the Abſence of the Accuſed.

And laſtly, One third Part of the Fines being aſſigned to the King, he can only remit that, but the Informers and Poor being aſſigned two third Parts, ſeems not to allow him to remit them, how much Cauſe ſoever may appear to him to extend his Favour in that Caſe: Is not this againſt the King's Prerogative, to reſtrain his Sovereign Clemency? And how far it reflects upon the Government, and is ſcandalous thereto, for beggarly rude Informers (ſome of them confident Women) not only to command, threaten, and diſquiet Juſtices, Peace-Officers, *&c.* but to deſtroy the King's honeſt, induſtrious, and peaceable Subjects, in their Properties and Eſtates, is worthy of your ſerious Conſiderations? and whether the ſaid Conventicle Act ought not therefore juſtly to be repealed? A noted Inſtance of the like Caſe we have concerning the Statute of the 11 *Hen.* VII. *ch.* 3. (for determining certain Offences and Contempts, only upon Informers Proſecutions) being repealed in the firſt Year of King *Hen.* VIII. *ch.* 6. tho' that, in ſome reſpects, was more tolerable than this.

* *Deut.* xix. 17, 18. *John* vii. 51. *Prov.* xxvi. 2. *Job* xxix. 16, 17. *Gen.* iii. 8. *Judges* xix. 30.

† *Acts* xxv. 5, 7, 8, 10, 16.

Be pleaſed to make our Caſe your own, and *do to us, as you would be done unto.* As you would not be oppreſſed or deſtroyed in your Perſons or Eſtates, nor have your Properties invaded, and Poſterities ruined, for ſerving and worſhipping Almighty God (that made all Mankind) according to your Perſuaſions and Conſciences, but would, no doubt, enjoy the Liberty thereof; ſo we intreat you to allow the ſame Liberty to tender Conſciences, that live peaceably under the Government, as you would enjoy yourſelves; and to diſannul the ſaid Conventicle Act, and to ſtop theſe devouring Informers, and alſo take away all ſanguinary Laws, Corporal and Pecuniary Puniſhments, merely on the ſcore of Religion and Conſcience; and let not the Ruin and Cry of the Widow, Fatherleſs, and innocent Families, lie upon this Nation, nor at your Door, who have not only a great Truſt repoſed in you for the Proſperity and Good of the whole Nation, but alſo do profeſs Chriſtianity, and the tender Religion of our Lord *Jeſus Chriſt.*

And notwithſtanding all theſe long-ſuſtained Extremities, we the ſaid ſuffering People do openly profeſs and declare, in the Sight of the All-ſeeing God, who is the Searcher of Hearts, that as we have never been found in any ſeditious or treaſonable Deſigns (they being quite contrary to our Chriſtian Principle and Profeſſion) ſo we have nothing but a zealous and true Affection to the King and Government, ſincerely deſiring his and the Kingdom's Proſperity and Concurrence in Mercy and Truth, for the Good of the whole Community.

Having thus given you, in ſhort, the general State of our ſuffering Caſe, in Matter of Fact, without Perſonal Reflection, We, in Chriſtian Humility, *and for* Chriſt's ſake, *intreat that you will tenderly and charitably conſider of the Premiſſes, and find out ſome effectual Expedient or Way for our* Relief *from* Priſons, Spoil, *and* Ruin.

[*Whether in Conſequence of the moving Repreſentation of the* Quakers, *any Meaſures were immediately taken for the Relief of thoſe who made it, does not appear; but if, as before ſurmiſed, the* Recuſants *of one Communion were ſpirited up, to remonſtrate their Sufferings, at once to furniſh out Pretences to ſhew Favour to* all, *and to faſten the Charge of a perſecuting Spirit on the Church of* England, *it is certain, the Latter ſhewed no Diſproportion to embrace the League offered to them, by the* Roman Catholics; *tho' backed with the Example which had been made of* Baxter, *purpoſely to demonſtrate the ſincere Intentions of the Court, to purchaſe their good Will, at the Expence of the* Proteſtant Nonconformiſts: *On the contrary, diſcerning the Drift of that Offer, and reſolving to contribute nothing on their Part, to render it effectual, they not only rejected every Meaſure towards a Compromiſe, but made uſe of all their Skill and Addreſs to widen the Breach if poſſible, and to make their Intereſt in the Laws, and their Credit with the People, outweigh the Favour of the Crown. This ſteady Attachment to the Conſtitution, the Courtiers called an Attachment to their temporal Intereſts, and a Departure from that Loyalty which they had hitherto*

gloried in, as their diſtinguiſhing Characteriſtics: To the ſame Effect, Pamphlets, under the Warrant of the Licenſers, *were daily uttered againſt them, but without the deſired Succeſs: They had both the Majority of the Nation and of the Houſe of Commons on their Side; and ſo ſincere was the Union, that neither Menaces, nor Flatteries, could bend or break it. In vain his Majeſty in Perſon became the Sollicitor of his Party, and all the Arts of the* Cloſet *were tryed to make* Proſelytes: *Thoſe who had never ſhewed any Senſibility of Conſcience before, now affected ſuch a Tenderneſs, as could not bear the leaſt Violation; and thoſe who had ſhewn no Conſcience to their Fellow-Subjects, would not give way to the ſmalleſt Preſſure on their own. In this Situation of Things, his Majeſty was pleaſed, all at once, to change his whole Syſtem, and to form ſuch a Confederacy among the* Nonconformiſts, *of all Denominations, as in Conjunction with his own Power, ſhould overballance the Church: In order to which, he declared, it was his Pleaſure in Council, That the Parliament, which ſtood prorogued to the 28th of* April, 1686. *ſhould be farther prorogued, to the 22d of* November: *And that having obſerved, that the Endeavours of Four of his Royal Predeceſſors, aſſiſted by their Parliaments, to eſtabliſh an Uniformity of Religion, had not only proved ineffectual, but the laying a Reſtraint on the Conſciences of* Diſſenters, *had proved ſadly prejudicial to the Nation, he had reſolved to iſſue out a Declaration for a general Liberty of Conſcience,* &c. *This he declared on the 18th of* March; *on the 4th of* April *the ſaid Declaration was iſſued accordingly, which produced Addreſſes of Thanks, from all the Bodies of* Nonconformiſts; *the* Anabaptiſts *leading the Way, and the* Preſbyterians *(tho' not the whole Body) and the* Quakers *following: And it was on this Occaſion, that Mr. Alderman* Alſop *for the* Preſbyterians, *and* William Pen *for the* Quakers, *made the following Speeches to his Majeſty.*

Mr. ALSOP's Speech.

GREAT SIR,

WE could wiſh *your Majeſty* had a Window in our Breaſts, through which you might diſcern how our Souls embrace your *Royal Clemency* with the *higheſt Admiration*, and yet with the *profoundeſt Veneration*.

For we look upon ourſelves truly tranſplanted from a *hotter Climate*, and happily ſeated under the *Temperate Zone* of *your Majeſty*'s moſt mild and gentle *Government*, where, inſtead of the ſcorching Beams of Severity, which had almoſt calcined us to Aſhes, we now feel the cool Breezes of *your Majeſty*'s Favour to revive and refreſh us.

Really, *Sir*, though we pretend not to any *refined Intellectuals*, nor preſume to philoſophize upon the *Myſteries* of *Government*, neither to pry into the *Myſteries* of *State*, which Things, as they are far above, ſo they belong not to us at all, yet we make ſome ſmall Pretence to the *Senſe* of *Feeling*; whatever our Dullneſs may be, we can eaſily diſtinguiſh between a *Wound* and a *Plaiſter*; and know the Difference between the *ſmart Laſhes* of ſome of our *Fellow-Subjects*, and the *healing Clemency* of our *Sovereign*.

We

We now (*dear Sir*) silently wait for some such happy Juncture, to give your *Majesty* some essential Proofs of our *Loyalty*, and the Sincerity of this our humble *Address*; as may demonstrate, that the greatest Things we have been able to express, or promise, in this poor *Paper*, is the least Thing we shall chearfully perform, for your *Majesty*'s *Service* and *Satisfaction*.

Go on (*Great Sir*) in this your Royal Line (that is) your own proper Way and Method of *Grace* and *Clemency*, that the *World* may be more fully and farther convinced, that you are the *best*, as well as the *greatest*, and therefore the *greatest*, because the *best* of Princes; that so if there should remain any *Seeds* of *Disloyalty*, in any of your *Subjects*, this transcendent *Goodness* of yours may mortify and kill them, or if any *Sparks* of *Duty* should be almost smothered in well-meaning, tho' mistaken Minds, some *Sovereign Grace* may awaken and revive them, which, above all *Regalias*, will most gloriously adorn your Majesty's imperial Crown and Diadem.

The Speech of WILLIAM PEN.

May it please the KING,

IT was the saying of our blessed Lord, to the captious *Jews*, in the Case of Tribute, *render to* Cæsar, *the Things that are* Cæsar's, *and to God, the Things that are God's*. As this Distinction ought to be observed by all Men, in the Conduct of their Lives, so the KING has given us an illustrious Example in his own Person, that excites us to it; for while HE was a Subject, HE gave *Cæsar* his Tribute; and now HE is a *Cæsar* gives God his due, *viz. the Sovereignty over Consciences*. It were a great Shame then, for any *English-man* (that pretends to *Christianity*) not to give God his due. By this Grace HE has relieved his distressed Subjects from their cruel Sufferings, and raised to himself a new and lasting Empire, by adding their Affections to their Duty. *And we pray GOD to continue the* KING *in this noble Resolution*; for HE is now upon a Principle, that has good *Nature*, *Christianity*, and the Goodness of *civil Society* on it's Side; a Security to him, beyond all the little *Arts of Government*.

I would not that any should think that we came hither, with Design to fill the *Gazette* with our Thanks; but as our *Sufferings* would have moved Stones to Compassion, so we should be harder, if we were not moved to Gratitude.

Now, since the KING's Mercy and Goodness, have reached to us, throughout the Kingdom of *England*, and Principality of *Wales*; our general *Assembly* from all those Parts, met at *London* about our CHURCH-AFFAIRS, has appointed us to wait upon the KING, with our humble Thanks, and me to deliver them; which I do by this ADDRESS, with all the Affection and Respect of a dutiful Subject.

His *MAJESTY*'s moſt gracious Anſwer.

Gentlemen,

I *Thank you heartily for your* Addreſs *, *ſome of you know*, (*I am ſure you do Mr.* Pen) *that it was always my Principle, that* Conſcience *ought not to be forced. And that all Men ought to have the Liberty of their* Conſciences: *And what I have promiſed in my* Declaration, *I will continue to perform as long as I live; and I hope before I die, to ſettle it ſo, that after Ages ſhall have no Reaſon to alter it.* [Both theſe Speeches were preſerved in Lord *Somers*'s *Collection.*]

* In the Addreſs from the *London Quakers*, preſented ſome Time before this, were theſe Words. "And tho' we entertain this Act of Mercy, with all the Acknowledgements of a perſecuted and grateful People; yet we muſt needs ſay, it doth the leſs ſurprize us, ſince it is what *ſome* of us have known to have been the declared Principle of the King, as well long before, as ſince he came to the Throne of his Anceſtors."

A REPLY to the REASONS of the *Oxford* Clergy againſt Addreſſing.

Publiſhed with Allowance, and printed by Henry Hills, *Printer to the King's Moſt Excellent Majeſty, for his Houſhold and Chapel.* 1687.

[*That the Declaration might be ſo much the leſs unpalatable to the People, and that thoſe of the legal Church might not be rendered deſperate, his Majeſty had been adviſed to open it with a Clauſe that ſeemed to be in their Favour*, viz. "*In the firſt Place, we do declare, that we will protect and maintain our Archbiſhops, Biſhops, and Clergy, and all other our Subjects of the Church of* England, *in the free Exerciſe of their Religion as by Law eſtabliſhed; and in the quiet and full Enjoyment of all their Poſſeſſions, without any Moleſtation or Diſturbance whatſoever.*" *Now there wanted not Undertakers, even among the Biſhops themſelves, to procure Addreſſes of Thanks from the Clergy of their reſpective Dioceſes, to his Majeſty, for the Inſtances of his gracious Regard towards them. Thoſe of* Durham, Cheſter, Lincoln, Litchfield *and* Coventry, *and St.* David's, *had their Endeavours countenanced at leaſt, if not fully anſwered: For after the * Form which had been ſet by the firſt of thoſe Right*

* *Viz.* "Whereas in your Majeſty's Royal Proclamation, lately publiſhed, you have been graciouſly pleaſed to declare, That your Majeſty will protect and maintain your Archbiſhops, *&c.* we cannot but think ourſelves obliged, in Duty and Gratitude, to return your Majeſty our hearty Thanks for thoſe gracious Expreſſions of your Kindneſs, and for all your former Aſſurances of your Royal Favours to the Church of *England*, and humbly to expreſs our Loyalty, as true Sons of the Church of *England*, and your Majeſty's moſt obedient Subjects and Servants."

Reve-

Reverend Fathers, [Crew] *the reſt, at different Times, made their Compliments to the Throne: But the Biſhop of* Oxford [Parker] *inſtead of ſucceeding, fell into a Controverſy with his Brethren, which gave Riſe to the following Pamphlet, from the Hand of* L'Eſtrange, *who had been lately knighted by the King, either in Acknowledgment of paſt Services, or as a Demand upon him for new ones.*

SIR,

THE Copy you ſent us of ſome Reaſons for Addreſſing, with an Anſwer to them, and ſeveral Arguments againſt it, drawn up by the OXFORD CLERGY, doth moſt extremely afflict and ſurprize us; for, what Man of Senſe could in the leaſt imagine, that our CLERGY, who once had obtained the higheſt Applauſes for their Loyalty, ſhould at laſt do any thing that may ſeem to juſtify the Inſinuations of thoſe who always ſaid, That CHURCH-OF-ENGLAND-LOYALTY would continue no longer than the Prince was of their Religion: For *now* it looks as if our Loyalty muſt be no longer lived than our Church is in a flouriſhing State; Why elſe do our Clergy thus *Remonſtrate* againſt rendering his Majeſty their humbleſt Thanks for the Aſſurances he has given them of Protection in the free Exerciſe of our Religion, and in the full Enjoyment of their Eccleſiaſtical Poſſeſſions? Don't they know, that they are owing to his Majeſty's *Grace* for this much, and that, unleſs his Majeſty had embraced that moſt Chriſtian and Heroic Principle, that * CONSCIENCE OUGHT NOT TO BE CONSTRAINED, and had alſo excelled all his Royal Predeceſſors in Clemency, he could never *forgive* the Church of *England*, by whom ſo many *ſanguinary* Laws have been made againſt Men of *his* Religion; or, have forborn the exerciſing that Prerogative in Matters Eccleſiaſtical, which *our* Church hath often recognized to be inherent in the Crown, and by which *our* Church may be, in a great meaſure, *legally ſubverted?*

What then can be more manifeſt, to a Perſon of the leaſt Thoughtfulneſs, than that *our* Church is infinitely obliged to his Majeſty for her preſent Standing? Or what more certain, than that ſhe is moſt diſingenuouſly ungrateful, if ſhe acknowledges not ſo much?

This Paper, therefore, which is ſent abroad on purpoſe to enſnare the Members of our Church, muſt not eſcape our Animadverſions; and, that we may the more effectually prevent its deſigned Miſchief, we will lay down every Argument in the Words of the Paper, and endeavour that our diſcuſſing them may be with the greateſt Evenneſs and Moderation.

In the firſt Place then, we muſt make our Remarks on the Method taken to abuſe the Reader, by propoſing but two Conſiderations, and that very lamely too, *for* Addreſſing; but as many more, with all the Advantages imaginable, *againſt* it; thereby tempting the Unwary to conclude, that the rendering his Majeſty their Thanks, was a Thing moſt ridiculous: However, we'll propoſe thoſe feeble Arguments that are for Addreſſing, with the Clergy's Anſwer, and try whether it is ſo eaſy a Matter to blow them off the Stage, as theſe Gentlemen would have us think.

* See the Declaration.

REA-

REASONS for this ADDRESS *may be Two.*

FIRST, "That it may continue his Majesty's Favour; and the Omission "may irritate the Treasury to demand a Review of the First-fruits, to the full "Value, upon the fifth Bond."

The *CLERGY*'s ANSWER.

As to the King's Favour, if the known loyal Principles and Practices of the Church of England, *which evidenced themselves (one would think) so acceptable to this Prince in the Instance of the* Exclusion, *and* Monmouth, *will not secure us, so not this Address (which only copies out* Fanatical *Loyalty and Gratitude) can continue it.*

Yet our Thanks at this Time, might not seem improper, if the Favour of continuing the Laws to us (which, perhaps, with all the Endeavours to the contrary, cannot be repealed) were as great as the repealing those for the Dissenters *sake; which the* Presbyterian *and* Independent Addresses *say, his Majesty will engage his Parliament to, and for which they principally give Thanks.*

OUR REPLY.

I. These Gentlemen think they have done enough already to merit the Continuance of his Majesty's Favour, because some of them were against the *Bill of Exclusion*, and endeavoured the Suppression of *Monmouth*; not considering how *many* of *our* Communion were the Active Persons, both in the Matter of the *Exclusion* and *Monmouth*. It is true, at that Time *some* were very loyal, and but *some*. Consult the late King's *Narrative*, and observe the Rise and Progress of that Conspiracy, and you will find 'twas, from first to last, begun and carried on by Church-of-*England*-Men: For, tho' the *Fanatics* had their Hand in it, yet they were not the *only*, nor the *chief* Actors. If you go back so far as the *Excluding* Parliament, they were, Five to One, Church-of-*England*-Men. Or, if you look on the Contests about the Sheriffs, you will find the Church of *England* to be the *chief* in that Transaction; and in truth, no one that had been a *Dissenter*, could act as a Sheriff or Common-Council-Man, until he had forsaken his Communion with the *Dissenters*, and incorporated himself with *our* Church: So that whatever they did in these public Capacities, they did it not as *Dissenters*, but as Members of the Church of *England*. Come nearer home, to the late Rebellion, and consider who were the Heads of it, and it will appear that they were of the Church of *England*. Or go down to *Winchester*, where were above Four Hundred of the meaner Sort, and, except Twenty or Thirty, all declare themselves to be of the Church of *England*. Or read *Julian*, a Church-of-*England*-Divine, in which the Doctrine of *Non-Resistance* is so much exploded, and you may soon be convinced, that the whole is said for Resistance, is only for the Encouragement of Church-of-*England*-Men to fight in Defence of the Religion by Law Established; not a Word to affect a *Dissenter*, whose Religion is by Statute-Laws condemned.

So that *our* Church must take the Shame of all these Things to herself, and confess, she has more Reason to insist on his Majesty's *Grace*, than her own *Merit*, for the Continuance of the King's Favour. But, II.

2. It is granted by these Gentlemen, That if the Favour of continuing the Laws to us were as great as the repealing those against the Dissenters, it might not be improper to give Thanks. So that 'tis confessed to be but just in the Dissenters to make their Addresses. And we doubt not but that we shall make it manifest, that such is the present State and Constitution of the Church of *England*, that 'tis as much in the Power of the King to humble our Clergy, as 'tis to comfort the Dissenter; and that our Clergy are as much owing to the King's Grace for the present exercise of their Religion, and Enjoyment of their Possessions, as the Dissenters are for the Indulgence. We mention not this to lessen his Majesty's Favour to the Dissenter, but that you may see the Transcendency of the King's Grace to our Church.

* The several Acts of Parliament recognizing the King's Supremacy in matters ecclesiastical; the Doctrine of the Church of *England* seen in her Articles, and the Histories of Queen *Elizabeth*, and King *James*, and *Charles* I. relating to this very thing, do sufficiently declare, that such is the Plenitude and Fulness of the King's Power in matters Ecclesiastical, that he can by his Ecclesiastical Commissioners make new Laws concerning Rights and Ceremonies, and impose new Articles on the Clergy, requiring their Subscription on pains of Suspension and Deprivation. † Before the 13. *Eliz. c.* 12. Subscriptions were enjoyn'd by the Regal Power; and tho' this Statute requir'd Subscription, yet it being to the Articles of Religion, which *only* concern the Confession of the true Christian Faith, and the Doctrine of the Sacraments, compriz'd in a Book Imprinted and Entitled, 'Articles, *&c.*" Twas deemed by the Bishops to be insufficient, who therefore apply themselves to their Prince, that by her Majesty's Power Ecclesiastical, they might enjoin a fuller Subscription; which accordingly they did, appointing Subscription, not *only* to ‖ the Articles of Faith and Doctrines of the Sacraments; but unto the *Government*, the *Rites* and *Ceremonies* of the Church; and such as refused this larger Subscription, tho' they would readily subscribe, as by the Statute requir'd, were suspended and deprived. And has not his present Majesty the same Power Queen *Elizabeth*

* *See* 1 *Eliz. c.* 2. towards the End. The Queen's Majesty, by the Advice of her Commissioners, or Metropolitan, may ordain and publish such Ceremonies or Rites as may be most for the Advancement of God's Glory, *&c. Rex potest novas Leges condere circa Cæremonias & Ritus, cum concilio Metropolitani vel Commissariorum in Causis Ecclesiasticis. Zouch. Descrip. Jur. Ecclesiast. par.* 1. *Sect.* 2. *Cosin. Tab. c.* 1.

† Subscriptions requir'd before the 13 *Eliz. c.* 12. *Heyl. Hist. 2. Eliz. an.* 5. *pag.* 331.

‖ Not only the Complaints of the *Nonconformists* in their Prints, but our Histories so frequently mention it, that 'twould be troublesome to quote them all. We'll therefore mention what the Lawyers say of it, and it is this, A Subscription to the 39 Articles, so far forth, as the Articles do agree with the *Law* of God and the *Land*, is not good, as was adjudged in 33 & 34 *Eliz. B. R. Clark* against *Smithfield*. So *Godolph. Abridg. Eccles. Laws, c.* 13. §. 8. Besides the Canon 36. enjoins this fuller Subscription, That the King, as supream Head, may do whatever the *Pope* might formerly do within this Realm, by Canon Law, is asserted, by all our Lawyers generally. *See Coke*, 4 *Instit.* 341. *Cawley.* 1 *2. Eliz. c.* 1. *Godolph. Abridg. c.* 1. §. 5, 6, 7. *Zouch. Descrip. jure Eccles. p.* 1. §. 1. *Cosin. Tab. c.* 16.

had? Why then may he not make new Laws about Ceremonies, and require Subscription to new Articles? Besides, 'tis acknowledged, that whatever Power Ecclesiastical the Popes did *de facto* exercise in this Kingdom according to the Canons, that same Power *de jure* belongs to our Kings; and 'tis also granted, That the Canons of general Councils, and the Decrees of the Roman Pontiffs, so far forth as they have been receiv'd by the Permission of our Kings, and ancient Custom, are still in force; and that these *Canons* are daily violated by our Clergy, cannot be denied, especially in the matter of *Pluralities*, which cannot be held but by a Dispensation from the King, or at least by his confirming the Archbishops. And will any say, that tho' the Dispensation, by which * any of our Clergy hold their Pluralities, is deriv'd from the King, yet the King cannot revoke them? Or may not his Majesty's Ecclesiastical Commissioners, make Enquiry after those who have above 8 *l. per Annum*, and by a Dispensation hold a Second Benefice, and judge of the first Benefice, not according to the Value in the King's Books, but according to the very Value of the Church, as has been formerly adjudged? Or, as is in the Argument for addressing, may not the Treasury demand a Review of the first Fruits according to the full Value? In a word, may not the King send out a *Quo Warranto* against the Bishops, and demand by what Power they hold Courts in their own Names, and finding nothing but Prescription to be their Plea, which can be no Bar against the King, sufficiently humble our Clergy? And, seeing his Majesty, notwithstanding the many Provocations he has met with, from some of our Clergy, is so far from Exercising this Power against our Church, that on the contrary he is so unexpressibly gracious as to promise his Protection, have we not the greatest reason gratefully to acknowledge it to the King?

Their affirming these Addresses to copy out only *Fanatical Loyalty*, and Gratitude, is so very indecent, that we think it unworthy of further Notice, judging their Confidence also about the Impossibility of Repealing their Laws to bear some Proportion to the Extravagance of their Censure.

The PAPER.

"SECONDLY, That it seems our Duty to maintain Unity with our "Bishop requiring it, and perhaps expecting it upon our Canonical Obedience, "there being nothing *præter licitum & honestum.*"

ANSWER.

As to the Bishop, 'tis conceived, that this is no Instance of Canonical Obedience; nor is the Duty of our Unity with him apprehended to be such, as disunites us from the most, the best and soundest of the National Clergy, who we think ought not, and we believe will not move in an Affair, which concerns the whole Church equally

* The Lord C. J. *Hobart* asserts, That altho' the Statute of 25 *Hen.* 8. *c.* 21 doth say, That all Dispensations, *&c.* shall be granted in manner and form following, and not otherwise, yet the King is not thereby restrained, but his Power remains as full and perfect as before. *Colt* and *Glover* against the Bishop of *Covent.* and *Litchfield. Godolph. Abridg. c.* 26. § 12. *Nullum Tempus occurrit Regi.*

without

without their Metropolitan *and his Biſhops. Neither hath our Biſhop ſhewed any Paſtoral Regard to us, unleſs it be in a treating us like Children, in a very weak and paſſive minority, by requiring our Submiſſion to an Addreſs formed and worded to our Hands, without our Knowledge, not leaving us the Liberty, and thinking us able to expreſs the Senſe of our Acts (or Hearts) and therefore 'till Biſhops upon their Conſecration declare what Faith they are of, as they did in the Primitive Church, for which the Reaſons are the ſame as then; to maintain Unity with a Biſhop without Caution is a Principle, that may lead us further than we ought to go.*

REPLY.

I. There being ſo much Reaſon why *our Clergy* ought to make their Addreſs of Thanks to the King, it would be very ſtrange if ſuch a Practice cannot be found amongſt the *Licita* and *Honeſta* of *our* Church; and if it comes within this Pale, and the *Ordinary* commands it, it's beyond us to conceive, how Diſobedience in the Clergy can eſcape the Guilt of Perjury. For the Oath expreſs'd in the Inſtrument of the Clergy's Inſtitution is in theſe words, *Te Primitùs de legitima & Canonica Obedientia nobis & Succeſſoribus noſtris, in omnibus licitis & honeſtis Mandatis per te præſtanda & exhibenda, ad Sancta Evangelia ritè juratum admittimus.* So that they are ſworn to perform Lawful and Canonical Obedience to their Ordinary in all his lawful and honeſt *Mandates.* The Biſhop then commands 'em to thank the King for his Grace and Clemency in a matter for which once heretofore they did it. Is this lawful or Unlawful? Honeſt or Diſhoneſt? Not Unlawful nor Diſhoneſt; becauſe when the King declared *only* to the Council he would protect the Church of *England*, they then judged it their Duty; now the King doth but make the ſame declaration to the whole Kingdom, and if not Unlawful, and their Ordinary commands it, they are bound by their Oath to obey; how then can they diſobey and not be at leaſt forſworn? But,

II. How comes it to paſs, that their Obeying their *Ordinary* diſunites 'em from the moſt, the beſt and ſoundeſt of the National Clergy? What! are the whole Clergy ſo inſenſible of the King's Grace, that they'll not acknowledge it? what a prodigious Change is this? And why muſt they not rather regard their own *Ordinary*, than the Senſe of others? If the matter requir'd, be (as we have proved it to be) Lawful and Honeſt, do they make nothing of an Oath? and is Church-of-*England*-Unity in danger of being broken? That ſurely is ominous, and no doubt will open the Mouth both of *Papiſt*, and *Proteſtant Diſſenter.* Is the Church of *England*'s Caſe *ſo deſperate*, that they muſt either be ungrateful to their Prince, or be divided among themſelves? Furthermore,

* III. *Their Biſhop ſhews no Paſtoral Regard to 'em, unleſs it be in treating 'em like Children, by requiring their Submiſſion to an Addreſs worded to their Hands, not leaving 'em the Liberty to expreſs the Senſe of their Hearts.* So the Paper.

* They declare, That the Book of Common Prayer, and of Ordering of Biſhops, &c. containeth nothing in it contrary to the Word of God, and that it may be lawfully uſed, and that they will uſe the Form in the ſaid Book preſcribed, in Public Prayer, and Adminiſtration of the Sacraments, and *none other. Can.* 36. *Art.* 2.

And what hurt in all this? It's to be presum'd, they will make more bold with their Prince than with God: and therefore seeing they are not to be trusted, when they make their Addresses to God, how can they expect to be trusted when they apply themselves to their Prince? Are not their Prayers all worded to their Hands? Have they Liberty to express the Sense of their Hearts in publick? No, they have solemnly promis'd, they'll use the Church-Prayers, and *none other*; why then should they expect a Liberty of expressing their Sense when they are to address to the King? Ay, but,

IV. *Bishops upon their Consecration should declare what Faith they are of, as they did in Primitive Times.* What's this but too high a Reflection upon our Church, an Accusation that we are fallen from the Primitive Purity? Tho' it must be acknowledg'd, that all the Clergy Subscribe, Assent, and Consent to the Thirty-nine Articles, *&c.* And is not that enough? Or, have they forgotten how solemnly they did swear Canonical Obedience to their *Ordinary*; that they now tell us, they must maintain Unity with their Bishop with *Caution*; thereby encouraging even the *Nonconformists* in their Dissent?

But to the Arguments against Addressing.

THE PAPER.

"Reasons against it are many; under the present Circumstances, to instance "in Four.

FIRST, "As to our Possessions, it either equally concerns all Estates of "Men in the Kingdom, and ought then to be most particularly considered in "*Parliament*; or, it supposes our Possessions less legal, and more arbitrary "than other Subjects."

ANSWER.

As for their Possessions, they are settled on them in no other manner than they were on the Clergy in Q. Elizabeth's *and K.* James *the First's Days, when, for not subscribing to Articles never then enjoined by Act of Parliament, many hundreds of the Clergy were suspended, and deprived of all their Ecclesiastical Possessions: And should a strict Enquiry be made into our Clergy, it's to be feared, that too many of 'em would be found so* very guilty, *as to deserve not only a Suspension, but also a Deprivation; and we therefore cannot think it to be the Wisdom of our Clergy to provoke the* Ecclesiastical Commissioners *to make a close Search after their Miscarriages, especially seeing Deprivations have been anciently for Dilapidations, and such like Offences.*

ARGUMENT II.

SECONDLY, "As to our Religion, This Address (referring to the "Declaration) necessarily herds among the various Sects under the Toleration, "who for suspending the Laws have led the way in these Addresses, owing "their Exercise of their Religion to no legal Establishment, but only to "Sovereign Pleasure and Indulgence, which at pleasure is revocable."

ANSWER.

ANSWER.

I. *They'll not deny, but that they now agree with the other Sects, in* Diſſenting *from his* Majeſty's Religion, *and are* equally *with them owing to the King's Grace, and his moſt* Chriſtian *Principle,* That Conſcience ought not to be conſtrained, *for the Protection the King vouchſafes them in the Enjoyment of the Free Exerciſe of our Religion. They ſee how eaſily the King can humble them; and had he not been for Liberty of Conſcience, he muſt eſteem himſelf under the moſt* powerful Obligations of endeavouring *it,* and a Change of our Religion: *Why then ſhould they be ſo much againſt concurring with the various Sects among us in rendering the King their Thanks? What, ſhall the Fanatic out-do us in point of Ingenuity and Gratitude?*

II. *They ſay,* That the Diſſenters owe the Exerciſe of their Religion to no Legal Eſtabliſhment, but only to Sovereign Pleaſure.

What a ſtrange Change is this! The other day, in the late King's Reign, the Cry, the General Cry was, That the very Legiſlative Power *was lodged in the Breaſt of the King; but now, contrary to the very Vitals of our Government, they'll not allow Him the entire Enjoyment of the* Executive Power. *That the King may grant a Diſpenſation with a* Non obſtante *to any* * *Act of Parliament, as well as give out a particular Pardon to the Tranſgreſſors of any Statute, and theſe particular Diſpenſations and Pardons may be given out to every particular Subject that needs 'em, has been the avow'd Principle even of the greateſt Oppoſers of Arbitrary Government. Beſides, in Matters Eccleſiaſtical, which comprehend the* Diſſenters *Caſe, the Sovereignty of the King is as full and compleat, as any of his Majeſty's Royal Predeceſſors, and theirs the ſame with that Power the Popes did* de facto *exerciſe according to* Canon Law, *with a* Non obſtante *to a particular Act of Parliament.*

But what need we inſiſt on theſe things? Have not the Clergy *gone higher in exalting the* Sovereign Pleaſure above all Laws, *even in* Civils, *when in the Declaration that all our* Clergy *ſubſcribe, they diſtinguiſh between the* Sovereign Pleaſure *of our King, and His* Authority *or Law; and that the* Law or Authority, *if it at any time falls in competition with the* Sovereign Pleaſure, *muſt defere to* Sovereign Pleaſure; *it being a* Traitorous Practice *to obſerve the* Law, *in oppoſition to any commiſſion'd by* Sovereign Power?

* If an Act of Parliament forbiddeth under a Penalty, and it prove inconvenient to divers particular Perſons, the Law gives Power to the King to diſpenſe therewith. So *Rolls* and *Coke.* See 22 *Car.* 2. The Author of *Jovian* aſſures us, That the Government of this Kingdom conſiſts in the *Imperial* as well as the *Political* Laws; and whatever is requir'd by the *Imperial* Laws, if not contrary to the Laws of God, muſt be obſerv'd: So that unleſs Acts of Parliament be *jure divino,* and the *Imperial* Law, or the Word of the King, is to act contrary, we muſt obey. *Jovian. Edit.* 2. *p.* 205, 206.

THE PAPER.

THIRDLY, "This Addreſs is either deſign'd in the Name of the "Church of *England,* and then it ought to have had its Birth at *Lambeth,* or

"a

" a Synodal Convocation, or in the Name of this Dioceſe only, which then " will both disjoint us one from another who differ about it, or from the " reſt of the National Clergy; the beſt part of which, we are aſſured, diſlike " it in the preſent Circumſtances: So that the inevitable Conſequence of this " Addreſs (ſet on foot by a few Biſhops independently on their *Metropolitan*, " and without the previous Concurrence of the reſt of their Order) muſt be a " fatal Diviſion among the Clergy, and either beget a *new Schiſm*, or widen " the old ones, which are already too deplorable."

ANSWER.

One would think that the Biſhop and Clergy of a Dioceſe might ſafely enough make their Addreſs of Thanks to the King, without the previous Concurrence of the reſt of their Order, or conſulting the Metropolitan. *For the Union between Biſhop and Biſhop, and the Dependance of all the Biſhops in a Province on their* Metropolitan, *ought to be comprehended within thoſe Matters that relate to Purity of Faith and Manners: but is Non-addreſſing a Matter of Faith; or Addreſſing, contrary to the Rule of good Manners, that it muſt not be adventur'd on without the Advice of a College of Biſhops, or the Leave of a* Metropolitan? *But if we do more cloſely purſue this Point, we ſhall find the Conſtitution of our Church to be ſuch, that in all Matters of* Conſultation, *the Birth muſt not be at* Lambeth, *but at* Whitehall. *For what Power ſuperior to a ſingle Biſhop hath the* Metropolitan, *but what is* Juris poſitivi, *and derived from the King, the Fountain and Source of all Provincial and National Church-Power in theſe Kingdoms? This ſurely muſt be granted by thoſe that are not for a Power derived, either from a* † *General Council, or from the* Roman Pontif, *and then it will inevitably follow, that his Majeſty in the firſt place is to be conſulted, whoſe Mind in this Matter is ſufficiently known; and it's as much the Duty of the* Metropolitan *to conſult and obey the King the Supreme Ordinary of this National Church, as it can be for a ſingle Biſhop to regard his* Metropolitan; *for which Reaſon we think it a Preſumption, very near to what is unpardonable in the* Inferior Clergy, *to diſpute what is agreeable to the Senſe, both of their* Ordinary, *and* Supreme Ordinary.

And as for the Talk of Schiſm, *as if theſe, who are for Addreſſing, muſt needs be* Schiſmatics; *we only ſay, that making Differences about Matters of this nature to be* Schiſmatical, *will tempt thoughtful Men to conclude, that the Outcries of* Schiſm *againſt the* Non-conformiſts, *have been grounded on as little Reaſon, and with as little Juſtice.*

† *Synodus Provincialis vel Nationalis convocari non debet abſque Principis Reſcripto; nec tractari, nec determinari aliquid poteſt in Synodo, niſi conſentiente & aſſentiente Principe.* Colin. Tab. c. 1.

THE PAPER.

FOURTHLY, " It will forfeit our Reputation with the Nobility, " Gentry, and Commonalty of our Communion, and may tempt them to diſ- " [illegible] for our raſh Compliance with ſuſpected Artifices (which may riſe " [illegible] againſt us, to our own, and the Church's Prejudice) and to waver " in

" in the Stedfaſtneſs of their own Profeſſion, when they ſee us owning the " Exerciſe of our eſtabliſhed Religion to be ſo precarious."

ANSWER.

Above Twenty Years together, without any Regard to the Nobility, Gentry and Commonalty, our Clergy have been publiſhing to the World, that the King can do greater things than are done in his Declaration. But now the Scene is alter'd, and they are become more concern'd to maintain their Reputation, even with the Commonalty than with the King: Ay, they inſinuate as if the Nobility and Gentry had taken up their Religion on ſuch a Foundation, as would be ſhaken by an Addreſs; and do moreover ſuggeſt, as if the Nobility and Gentry are as little affected with his Majeſty's Grace as themſelves.

THE PAPER.

" May it not therefore be expedient, humbly to *remonſtrate* our Scruples " in this Affair to our *Dioceſan*, and beſeech him not to require our Act, " without conſulting us in a thing of ſo Public and National Concernment, " wherein we conceive ourſelves oblig'd to proceed upon mature Deliberation, " and united Meaſures, which, under God and the King, are like to be our " greateſt Safeguard?"

ANSWER.

Their Duty is to conſider, whether they are more obliged to their Metropolitan *than to their* Dioceſan. *If they ought to regard their* Dioceſan *moſt, it's their Duty to ſubmit unto his Senſe of things, and not revive the old way of* remonſtrating *thus; but if they judge themſelves bound to regard their* Metropolitan *more than their* Dioceſan, *we are ſure that their Obligation to the King, the* Supreme Ordinary *of the Church of* England, *is much greater; and that they ought not to bring what he approves of under debate, eſpecially conſidering the Tranſcendency of His Majeſty's Favour towards them*, and that ſuch Diſcoveries of Ingratitude may juſtly provoke the King to exerciſe His Juſt Prerogatives in Matters Eccleſiaſtical, and humble them.

In a word, we would, if poſſible, inculcate this on your Thoughts, That our Church of England † *Lawyers have reſolutely affirmed* the King to be *Supreme Ordinary*, and by the ancient Laws of this Realm, may, without any Act of

† In the Addreſs of the *Benchers* and *Barriſters* of the *Middle Temple*, on Occaſion of the King's Declaration, and which they ſign'd with their ſeveral Names, are the following extraordinary Expreſſions. " And as for this Compaſſion and Goodneſs, Thanks ought to be paid your Majeſty by *all your Subjects*; ſo we eſpecially of the Profeſſion of the Law, have moſt Reaſon to be thankful for the *Honour* you have done us, by aſſerting your own Royal Prerogatives, which *is* the *very Life of the Law, and our Profeſſion.* Which Prerogatives, as *they were given by* God *himſelf*, ſo we DECLARE, *That no Power on Earth can diminiſh them*, for they muſt always remain entire, and inſeparable to your Royal Perſon. Which Prerogatives, as we have ſtudy'd to know them, ſo we are reſolv'd to defend them, by aſſerting with our Lives and Fortunes that DIVINE MAXIM, *a Deo Rex, a Rege Lex.*" *London Gazette*, N° 2250

Parliament,

Parliament, make Ordinances and Inſtitutions for the Government of the * Clergy, and may deprive them if they obey not. *Moor* 755. *c.* 1043. *Cro. Trin.* 2 *Jac.* 37. *Cawley* 1 *Eliz. c.* 1. *And when the Prince zealouſly eſpous'd our Churches Quarrel, 'twas deem'd by our Clergy to be almoſt Treaſon to ſuggeſt the contrary: And if you conſult our Hiſtories, you'll ſee, that Queen* Elizabeth, *in favour of our Clergy, did many a time exerciſe this Power: on her entring the Throne, ſhe ſent out a* Proclamation, *That* no Man *(of what Perſuaſion ſoever he was in the Points of Religion)* ſhould be ſuffered to preach in publick, but only ſuch as ſhould be licenſed by her Authority: *On which Occaſion no Sermon was preached at* Paul's Croſs ‡, *or any publick Place in* London, *from* December *until the* Eaſter *following*; *and by it, thoſe that could not ſubſcribe the Articles enjoin'd meerly by Regal Power, were ſuſpended and depriv'd. Whence we obſerve, That if this Power be inherent in the Imperial Crown of* England, *as hitherto our* Clergy, *in oppoſition to Fanatick Clamours, have over and over aſſerted, the* Clergy *are undoubtedly owing to His Majeſty's Clemency for the free Exerciſe of their Religion*; *for had not the King excelled Queen* Elizabeth *of precious Memory, in Compaſſion and Grace, their Mouths would have been ſtopp'd long ago: On the other hand, if this Power be not inherent in the Crown, 'twill inevitably follow, That the* Nonconformiſts *have been moſt unjuſtly treated by our* Clergy. *To conclude, The laſt Reſult will be this*; *Our* Clergy *muſt abide by their old avow'd Doctrine, defend the King's* Eccleſiaſtical Supremacy, *and acknowledge, that it is to his Majeſty's Grace they are owing for their preſent Liberty*; *or condemn all their former Practices againſt the* Diſſenter, *and turn over unto them:* Utrum horum. *Farewell.*

* See *Cawley*, 1 *Eliz. c.* 1.

‡ *Heylin's* Hiſt. of Q. *Eliz.* p. 276.

THREE LETTERS.

[*The firſt of the Three following Letters makes an important Article in the firſt Volume of Biſhop* Burnet's *Hiſtory of* his own Times, *p.* 711, 712. "*At this time,* ſays his Lordſhip, *a great Diſcovery was made of the Intentions of the Court by the Jeſuits of* Liege, *who in a Letter, that they wrote to their Brethren in* Friburgh *in* Switzerland, *gave them a long Account of the Affairs of* England." *And again:* "*The* Jeſuits *at* Friburg *ſhew'd this about. And one of the Miniſters, on whom they were taking ſome Pains, and of whom they had ſome Hopes, had got a Sight of it. And he obtained Leave to take a Copy of it, pretending, that he would make good Uſe of it. He ſent a Copy of it to* Heidegger, *the famous Profeſſor of Divinity at* Zurich: *and from him I had it. Other Copies of it were likewiſe ſent, both from* Geneva *and* Switzerland. *One of theſe was ſent to* Dykvelt [*the* Dutch *Miniſter in* England] *who upon that told the King, that his Prieſts had other Deſigns, and were full of thoſe Hopes that gave Jealouſies, which could not be eaſily remov'd: And he named the* Liege *Letter, and gave the King a Copy of it. He promiſed to him, he would read it*; *and he would ſoon ſee,*

ſee, whether it was an Impoſture made to make them more odious, or not. But he never ſpoke of it to him afterwards. This, Dykvelt *thought was a confeſſing that the Letter was no Forgery." How far this Story ought to be concluſive is hard to conclude; becauſe all depends on the Truth of the Facts recounted by the Hiſtorian, which reſt upon his ſingle Credit only. It is apparent, that as to the Point of Time when, according to him, this Letter became public, he is notoriouſly miſtaken: For whereas he treats of it as prior to the* Scotch *Declaration of* Indulgence, *which bore Date* Febr. 12, 1686-7. *the Letter itſelf, according to the Print, was not wrote till* February 2, 1687-8. *And as to the two Letters which follow it between Father* Petre *and Father* La Chaiſe, *he does not ſo much as mention them, which it may be ſuppos'd he would ſcarce have declin'd, if he had had any Vouchers at hand to give them the Face of Authority. Beſides which we ought to recollect, that many Forgeries of this Nature were impoſed on the Public at this Time; and we ſhall find that the Succeſs they met with taught the Loſers to profit by the Example.*]

I. *A Letter from a* Jeſuit *at* Liege, *to a* Jeſuit *at* Fribourg, *giving an Account of the Happy Progreſs of Religion in* ENGLAND.

IT cannot be ſaid what great Affection and Kindneſs the King hath for the Society, wiſhing much Health to this whole College by *R. P.* the *Provincial*, and earneſtly recommending himſelf to our Prayers. The *Provincial Alexander Regnes* being come back for *England*, the King was graciouſly pleaſed to ſend for him; (ſeveral Earls and Dukes waiting his coming at the Hour appointed) the Queen being preſent; the King, diſcourſing familiarly with him, aſked him *How many young Students he had, and how many Scholaſtics?* to which (when the *Provincial* had anſwered, That of the latter he had Twenty, of the former more than Fifty) he added, *That he had need of double or treble that Number to perform what he, in his Mind, had deſigned for the Society*; and commanded that they ſhould be very well exerciſed in the Gift of Preaching; *for ſuch only* (ſaith he) *do we want in* England.

You have heard, I make no doubt, that the King hath ſent Letters to Father *La Chaiſe*, the *French* King's Confeſſor about *Wadden-houſe*, therein declaring, that he would take in good part from him, whatſoever he did or was done for the *Engliſh* Fathers of that Society. Father *Clare*, Rector of the ſaid Houſe, going about thoſe Affairs at *London*, found an eaſy Acceſs to the King, and as eaſily obtained his Deſires. He was forbid to kneel and kiſs the King's Hand (as the Manner or Cuſtom is) by the King himſelf, ſaying, *Once indeed your Reverence kiſſed my Hand; but had I then known you were a Prieſt, I ſhould rather have kneeled and kiſſed your Reverence's Hand.*

After the Buſineſs was ended, in a familiar Diſcourſe, the King declared to this Father, *That he would either convert* England, *or die a Martyr; and that he had rather die to-morrow, that Converſion wrought, than reign Fifty Years without that, in Happineſs and Proſperity.* Laſtly, he called himſelf *a Son of the Society*, the Welfare of which, he ſaid, he as much rejoiced at as his own: And it can ſcarce be ſaid how joyful he ſhewed himſelf when it was told him, That he was made Partaker, by the moſt Reverend Father *N.* of all the Merits

of the Society; of which number he would declare one of his *Confeſſors:* Some report *R. P.* the *Provincial* will be the Perſon, but whom he deſigns is not yet known. Many do think an Archbiſhopric will be beſtowed on Father *Edmond Petre*, (chiefly beloved) and very many a Cardinal's Cap; to whom (within this Month or two) that whole Part of the King's Palace is granted, in which the King, when he was Duke of *York*, uſed to reſide; where you may ſee I know not how many Courtiers daily attending to ſpeak with his Eminency, (for ſo they are ſaid to call him) upon whoſe Counſel, and alſo that of ſeveral Catholic Peers, highly preferred in the Kingdom, the King greatly relies, which way he may promote the Faith without Violence. Not long ſince ſome Catholic Peers did object to the King, that he made too much haſte to eſtabliſh the Faith; to whom he anſwered, *I growing old, muſt make great ſteps, otherwiſe, if I ſhould die, I ſhall leave you worſe than I found you.* Then they aſking him, why therefore was he not more ſolicitous for the Converſion of his Daughters, Heirs of the Kingdom, he anſwered, *God will take care for an* Heir; *leave my Daughters for me to convert; do you by your Example reduce thoſe that are under you, and others to the Faith.* In moſt Provinces he hath preferred Catholics; and in a ſhort time we ſhall have the ſame Juſtices of the Peace, (as they are called) in them all. At *Oxford* we hope Matters go very well: one of our Divines is always reſident there; a public Catholic Chapel of the Vice-Chancellor's, who hath drawn ſome Students to the Faith. The Biſhop of *Oxford* ſeems very much to favour the Catholic Cauſe: he propoſed in Council, Whether it was not expedient, that at leaſt one College in *Oxford* ſhould be allowed Catholics, that they might not be forced to be at ſo much Charges, by going beyond Seas to ſtudy? what Anſwer was given, is not yet known. The ſame Biſhop inviting two of our Noblemen, with others of the Nobility, to a Banquet, drank the King's Health to an Heretical Baron there, wiſhing a happy Succeſs to all his Affairs; and he added, That the Faith of Proteſtants in *England* ſeemed to him to be little better than that of *Buda* was, before it was taken; and that they were, for the moſt part, mere *Atheiſts* who defended it. Many do embrace the Faith, and four of the chiefeſt Earls have lately profeſſed it publicly.

The Reverend Father, *Alexander Regnes*, Nephew to our *Provincial*, to whom is committed the Care of the Chapel of the Ambaſſador of the Moſt Serene Elector *Palatine*, is whole Days buſied in reſolving, and ſhewing the Doubts or Queſtions of Heretics, concerning their Faith, of which Number you may ſee two or three continually walking before the Doors of the Chapel, diſputing about Matters of Faith amongſt themſelves. Prince *George*, we can have nothing certain what Faith he intends to make Profeſſion of. We have a good while begun to get footing in *England*. We teach Humanity at *Lincoln*, *Norwich*, and *York*. At *Warwick* we have a public Chapel, ſecured from all Injuries by the King's Soldiers. We have alſo bought ſome Houſes of the City of *Wiggorn*, in the Province of *Lancaſter*. The Catholic Cauſe very much increaſeth. In ſome Catholic Churches, upon Holidays, above 1500 are always numbred preſent at the Sermon. At *London*, likewiſe, things ſucceed no worſe. Every Holiday, or Preaching, People ſo frequent, that many of the Chapels cannot contain them. Two of our Fathers, *Darmes* and *Berfall*, do

conſtantly

conſtantly ſay Maſs before the King and Queen, Father *Edmund Newil* before the Queen Dowager, Father *Alexander Regnes* in the Chapel of the Ambaſſador aforeſaid, others in other Places. Many Houſes are bought for the College in the *Savoy* (as they call it) nigh *Somerſet-Houſe*, *London*, the Palace of the Queen Dowager, to the Value of about Eighteen Thouſand *Florins*, in making of which after the Form of a College, they labour very hard, that the Schools may be opened before *Eaſter*.

In *Ireland* ſhortly, there will be a Catholic Parliament, ſeeing no other can ſatisfy the King's Will to Eſtabliſh the Catholic Cauſe there. In the Month of *February*, for certain, the King hath deſigned to call a Parliament at *London*: 1. That by a Univerſal Decree, the Catholic Peers may be admitted into the Upper Houſe. 2. That the Oath or Teſt may be annulled. 3. Which is the beſt or top of all, That all Penal Laws made againſt Catholics may be abrogated; which that he may more ſurely obtain, he deſires every one to take notice, that he hath certainly determined to diſmiſs any from all profitable Employments under him, who do not ſtrenuouſly endeavour the obtaining thoſe things; alſo, that he will diſſolve the Parliament: with which Decree ſome Heretics being affrighted, came to a certain Peer to conſult him what was beſt to be done; to whom he ſaid, the King's Pleaſure is ſufficiently made known to us; what he hath once ſaid, he will moſt certainly do: if you love yourſelves, you muſt ſubmit yourſelves to the King's Will. There are great Preparations for War at *London*, and a Squadron of many Ships of War are to be fitted out againſt a time appointed; what they are deſigned for is not certain. The *Hollanders* greatly fear they are againſt them, and therefore begin to prepare themſelves. Time will diſcover more.

Liege, 2 *Feb.* 1688.

II. *A Letter from the Reverend Father* Petre, *Jeſuit, Almoner to the King of* England, *written to the Reverend Father* La Chaiſe, *Confeſſor to the* Moſt Chriſtian King, *touching the preſent Affairs of* ENGLAND.

Tranſlated from the *French*.

Moſt Reverend Father,

IF I have fail'd, for the laſt few Days, to obſerve your Order, it was not from want of Affection, but Health, that occaſion'd the Neglect; and for which I ſhall endeavour to make amends by the Length of this.

I ſhall begin where my former left off, and ſhall tell you, That ſince the appearing of a † Letter in this Town, written by the Prince's Miniſter of *Holland*, which declares the Intentions of the Prince and Princeſs of *Orange*, relating to the Repealing of the *Teſt*, or to ſpeak more properly, their Averſion to it: This Letter has produced very ill Effects amongſt the Heretics; whom, at the Return of ſome of our Fathers from thoſe Parts, we had perſuaded, that the Prince would comply with every thing relating to the *Teſt*, that the King

† That of the Grand Penſioner *Fagel*, to be found in the State Tracts, publiſhed by *Baldwin*, Vol. II.

ſhould propoſe to the next Parliament, in caſe he ſhould call one; to which I do not find his Majeſty much inclin'd. But the coming of this Letter (of which I have inclos'd a Copy) has ſerv'd for nothing but to encourage the Obſtinate in their Averſion to that Matter. The Queen, as well as myſelf, were of opinion, againſt the ſending of any ſuch Letter to the *Hague*, upon that Subject, but rather that ſome Perſon, able to diſcourſe and perſuade, ſhould have been ſent thither: for all ſuch Letters, when they are not grateful, produce bad Effects. That which is ſpoken Face to Face, is not ſo eaſily divulg'd, nor any thing diſcover'd to the People, but what we have a mind the Vulgar ſhould know: And, I believe, your Reverence will concur with me in this Opinion. This Letter has extremely provoked the King, who is of a Temper not to bear a Refuſal, and who has not been us'd to have his Will contradicted: and, I verily believe, this very Affront has haſtened his Reſolution of re-calling the *Engliſh* Regiments in *Holland*. I ſhew'd his Majeſty that Part of your Letter, that relates to the Opinion of his *Moſt Chriſtian Majeſty*, upon this Subject, which his Majeſty well approves of. We are intereſted to know the Succeſs of this Affair, and what Anſwer the States will give. The King changes as many Heretic Officers as he can, to put Catholics in their Places; but the Misfortune is, that here we want Catholic Officers to ſupply them: and therefore, if you know any ſuch of our Nation in *France*, you would do the King a Pleaſure to perſuade them to come over, and they ſhall be certain of Employments, either in the old Troops, or the new that are ſpeedily to be rais'd; for which, by this my Letter, I paſs my Word.

Our Fathers are continually employ'd to convert the Officers; but their Obſtinacy is ſo great, that for one that turns, there are five that had rather quit their Commands. And there being ſo many Malecontents, whoſe Party is already but too great, the King has need of all his Prudence and Temper, to manage this great Affair, and bring it to that Perfection we hope to ſee it in ere long. All that I can aſſure you is, That here ſhall be no neglect in the Queen, who labours Night and Day, with inexpreſſible Diligence, for the Propagation of the Faith, and with the Zeal of a holy Princeſs. The Queen-Dowager is not ſo earneſt, and Fear makes her reſolve to retire into *Portugal*, to paſs the Remainder of her Days in Devotion: ſhe has already ask'd the King Leave, who has not only granted it, but alſo promiſed, that ſhe ſhall have her Penſion punctually paid; and that during her Life, her Servants that ſhe leaves behind her ſhall have the ſame Wages, as if they were in waiting. She ſtays but for a proper Seaſon to embark for *Lisbon*, and to live there free from all Stories.

As to the Queen's being with Child, that great Concern goes as well as we could wiſh, notwithſtanding all the ſatyrical Diſcourſes of the Heretics, who content themſelves to vent their Poiſon in Libels, which by Night they diſperſe in the Street, or fix upon the Walls. There was one lately found upon a Pillar of a Church, that imported, That ſuch a Day, Thanks ſhould be given to GOD, for the Queen's being great with a *Cuſhion*. If one of theſe *Paſquil-makers* could be diſcover'd, he would but have an ill time on't, and ſhould be made to take his laſt Farewel at *Tyburn*.

You will agree with me (moſt Reverend Father) that we have done a great thing, by introducing Mrs. *Celier* [a Popiſh Midwife, famous for her Intrigues

of

of all ſorts in the preceding Reign] to the Queen. This Woman is totally devoted to our Society, and zealous for the Catholic Religion. I will ſend you an Account of the Progreſs of this Affair, and will uſe the Cypher you ſent me, which I think admirable. I can ſend you nothing certain of the Prince and Princeſs of *Denmark*; he is a Prince with whom I cannot diſcourſe about Religion; *Luther* was never more earneſt than this Prince. It is for this Reaſon that the King (who does not love to be denied) never yet preſſed him in that Matter, his Majeſty thinking it neceſſary that the Fathers ſhould firſt prepare things, before he undertake to ſpeak to him. But this Prince, as all of his Nation, has naturally an Averſion to our Society; and this Antipathy does much obſtruct the Progreſs of our Affairs; and it would be unreaſonable to complain hereof to the King, at preſent to trouble him, though he has an entire Confidence in us, and looks upon our Fathers as the Apoſtles of this Land. As for *Ireland*, that Country is already all Catholic; yea, all the Militia are ſo. The Vice-Roy [*Tyrconnel*] merits great Praiſe; we may give him this Honour, That he is a Son worthy our Society; and I hope will participate of the Merits of it. He informs me, he has juſt writ to your Reverence of theſe Matters, how things go there. Some Catholic Regiments from thoſe parts will ſpeedily be ſent for over, for the King's Guards; his Majeſty being reſolv'd to truſt them, rather than others; and may do it better, in caſe of any popular Commotion, againſt which we ought to ſecure ourſelves the beſt we can. His Majeſty does us the Honour to viſit our College often, and is moſt pleas'd when we preſent him ſome new Convert-Scholars, whom he encourages with his gracious Promiſes. I have not Expreſſion ſufficient to let you know, with what Devotion his Majeſty communicated the laſt Holidays; and a Heretic cannot better make his Court to him, than by turning to the Catholic Faith. He deſires that all the Religious, of what Order ſoever they be, make open Profeſſion, as he does, not only of the Catholic Religion, but alſo of their Order; not at all approving that Prieſts, or Religious, ſhould conceal themſelves, out of Fear; and he has told them, That he would have them wear the *Habit* of a Religious; and that he would take care to defend them from Affronts. And the People are already accuſtomed to it; and we begin to celebrate Funerals with the ſame Ceremony as in *France*; but it is almoſt a Miracle to ſee that no body ſpeaks one word againſt it, no not ſo much as the Miniſters in their Pulpits; in ſo good Order has the King managed theſe Matters. Many *Engliſh* Heretics reſort often to our Sermons; and I have often recommended to our Fathers, to preach, now in the beginning, as little as they can of the Controverſy, becauſe that provokes; but to repreſent to them the Beauty and Antiquity of the Catholic Religion, that they may be convinc'd, that all that has been ſaid and preach'd to them, and their own Reflections concerning it, have been all Scandal: For I find (as the Apoſtle ſays) they muſt be nouriſh'd with Milk, not being able to bear ſtrong Meat. Many have deſir'd me to give them ſome of our Prayers, and even the Holy Maſs, in *Engliſh*: which I mean to do, to ſatisfy the meaneſt Sort, of which the greateſt part do not underſtand *Latin*, but not to take away from the new Converts their *Teſtaments*, which is a Matter of Moment; and, that we may not diſguſt them at the beginning, we muſt permit them to have them for a time, till they part with

with them of themſelves. I have need of *C. H.*s Counſel upon this Point, and not in this only, but alſo in a great many other Matters that daily preſs me: for you may eaſily believe, that I have often more Buſineſs than I can well diſpatch; and we muſt work with ſo much Circumſpection and Precaution, that I have often need of your Paternity's wiſe Counſel. But the Lord and the good *Virgin* do ſtrengthen me as there is Occaſion.

The Biſhop of *Oxon* has not yet declar'd himſelf openly; the great Obſtacle is his Wife, whom he cannot rid himſelf of: His Deſign being to continue Biſhop, and only change Communion; as it is not doubted but the King will permit, and our Holy Father confirm: though I do not ſee how he can be further uſeful to us, in the Religion in which he is, becauſe he is ſuſpected, and of no eſteem among the Heretics of the *Engliſh* Church: nor do I ſee that the Example of his Converſion is like to draw many others after him, becauſe he declar'd himſelf ſo ſuddenly. If he had believ'd my Counſel, which was to temporize for ſome longer time, he would have done better; but it is his Temper, or rather Zeal, that hurried him on. There are two other Prelates that will do no leſs than he; but they hold off alike, to ſee how they may be ſerviceable to the Propagation, and produce more Fruits, while they continue undiſcover'd.

That which does us moſt harm with the Lords and great Men, is the Apprehenſion of a Heretic Succeſſor: *For*, (as a Lord told me lately) *aſſure me of a Catholic Succeſſor, and I will aſſure you, I and my Family will be ſo too.* To this happy Purpoſe, the Queen's happy Delivery will be of very great Moment. Our zealous Catholics do already lay two to one, that it will be a Prince: GOD does nothing by halves; and every Day Maſſes are ſaid upon this very Occaſion.

I have gain'd a very great Point, in perſuading the King to place our Fathers in *Magdalen-College* in *Oxon*; who will be able to tutor the young Scholars in the *Roman* Catholic Religion. I rely much on Father *Thomas Fairfax*, to whom I have given neceſſary Inſtructions how to govern himſelf with the Heretic People; and to take care, in the beginning, that he ſpeak not to them any thing that may terrify. And, as I tell you, a Religious has need here of great Prudence, at this Time, that the King may hear of no Complaints that may diſpleaſe him; and therefore we dare not at preſent do all we ſhall be able, and bound to do hereafter, for fear of too much haring the Mobile.

I like well that Father *Hales* goes to ſtay ſome time at the *Hague incognito*, on pretence of ſoliciting for a Place, which is not ſoon to be got there; and I have given him a Letter to ſome of that Court: Father *Smith*, that is there now, by reaſon of his great Age, not being able to do all he ought and wiſhes to do, and is alſo too well known there. And I ſhall often impart to you what I ſhall learn from thoſe Quarters; from whence I ſhall weekly receive ſomething of Moment, ſo long as the two Courts are in ſo bad Intelligence together, as at preſent they are. For my part, to ſpeak freely on this Topic to your Reverend Fatherhood, I am of opinion, we ſhould rather endeavour to moderate, than aggravate the Difference between them; tho' I know I do not, in this Matter, altogether concur with the Senſe of the *French* Ambaſſador, who conſiders only his Maſter's Intereſt: But we are neceſſitated to take other Meaſures, and

ſuch

ſuch as perhaps may not always agree with the Intereſt of *France* in this Matter.

And I think aggravating of this Breach at preſent, to be alſo prejudicial to the Catholic Religion itſelf. The great Deſign we have ſo long aimed at, is applying to the King of *France* to take from the Heretics all Hopes of a Head, or any other Protection, than what they muſt expect from their own King; whereby they, finding themſelves expoſed to his Pleaſure, will the more readily ſubſcribe to his Will. But this Miſunderſtanding between us will occaſion an Opportunity to the Heretics to ſet up the Prince of *Orange* for their Chief: And let me aſſure you, not to deceive yourſelves, the Religious of *England*, as well as the *Presbyterians* themſelves, regard the Prince of *Orange* as their *Moſes*; and his Party is already ſo powerful in both theſe Kingdoms, that it will appear terrible to any thinking Perſon, ſhould things come to Extremity; as may never happen, if Matters are not puſh'd on too far, but managed with Moderation. And I deſire therefore, with great Deference to your better Judgment, that this Matter might be hinted to his *Moſt Chriſtian Majeſty*, as Opportunity ſhall ſerve, and am ſenſible it muſt be done with very great Caution.

I can tell you nothing at preſent concerning the certainty of calling a Parliament; it requires ſo many things to be conſider'd of, and meaſures to be taken, that his Majeſty ought to be well aſſur'd of the ſucceſs, before he convenes them together. I am not of opinion with many other Catholics, who ſay, That by calling them, the King hazards nothing; for, if they will not anſwer his ends, he need only prorogue them, as is uſually done; But it is my opinion, and the ſenſe of many others, that his Majeſty hazards much; for if it ſhould unfortunately happen, that they ſhould, in their Aſſembly, refuſe to comply with his Majeſty's Deſires, it may be long enough ere he compaſs his ends by way of a Parliament, and perhaps never: and then there reſts no expedient, or other means, but by Violence, to execute the Orders of his ſecret Council, which muſt be ſupported by his Army; who, upon a pretence of Incamping, may be called together with the leſs Jealouſy or Suſpicion. So, you may ſee (moſt Reverend Father) that we do not want work in theſe Quarters; and I muſt be ſupported by your Prayers, which I beg of you, and from all thoſe of our Society.

His Majeſty is ſo deſirous that things may be done in order, and upon a ſure Fund, ſo as to be the more laſting, that he makes great Application to the Shires and Corporations, to get ſuch Perſons choſen for the Parliament, as may be favourable to his ends, of which he may be ſure, before they come to debate: And the King will make them promiſe ſo firmly, and exact ſuch Inſtruments from them in Writing, that they ſhall not be able to go back, unleſs they will thereby draw upon themſelves his Majeſty's utmoſt Diſpleaſure, and make them feel the Weight of his Reſentment. And I have here enclos'd ſome Effects of his Majeſty's Endeavours in this Matter, which is an Addreſs which the Mayor, Sheriffs and Burgeſſes of *Newcaſtle*, in the County of *Staffordſ*, have preſented to the King, [ſee the *Gazette*, where this Corporation, as well as *Glouceſter*, *Tewksbury*, and others, in their Addreſſes, promiſe to chuſe ſuch Members as ſhall comply with his Majeſty's Deſires.] If all Towns were in as perfect Obedience as theſe, we ſhould certainly have a Parliament call'd,

which

which the Catholics and Non-conformists expect with great Impatience. But, since this cannot be said of many of them, the King's Secret Council think good to wait for the Queen's Delivery, that they may see a Successor, who may have need of the whole Protection of the *Most Christian King* to support him, and maintain his Rights. And, by the Grace of GOD, we hope that that Prince, treading in his Father's Steps, may prove a worthy Son of our Society, like his Father, who thinks it no dishonour to be so call'd.

As to other things, (most Reverend Father) our Fathers, with me, as well as generally all the Catholics, with what Grief do we hear of the Dis-union that arises between his Holiness and the *Most Christian King!* How does my Head, in Imitation of the Prophet's, become a Spring of Tears to lament Night and Day the Schism that I foresee coming into the Church! Is it possible that our holy Society should not stand in the Breach, and prevent the Mischiefs that this Difference may occasion in the Church? And that nobody can reconcile *Levi* and *Judah*, the Priesthood and the Scepter, the Father and the Son, the eldest Son of the Church with the Vicar of Christ upon Earth? And what a Desolation, and what Advantage to the Heretics, must this occasion? They begin already to bid us Convert the Children of the Family, before we begin to Convert Strangers. And I must with Grief confess, they have but too much Reason for what they say: and if there does not come some present Assistance from above, I foresee this Affair will occasion great Prejudices in the *North*: Nor have we any hope, that his *British* Majesty will interpose herein openly, he receiving so little Satisfaction from his Holiness, in some Demands made by his Ambassador at *Rome*, which (morally speaking) ought not to have been denied so great a King, who first made this step, (which his Predecessors for a long time were not willing to undertake) in sending his Ambassador of Obedience to *Rome:* And yet, for all this, our holy Father had not any particular Consideration of this Submission and filial Obedience: so that I dare not mention this Matter, but by Way of Discourse, daily expecting that of himself he will be pleas'd to make some Proposal therein. I doubt not (Reverend Father) of your constant Endeavour to accommodate this Matter, thereby to take away from the Heretics, especially the *Hugonots of France*, this Occasion to laugh and deride us: and we should think the Change much for the worse, if, instead of the *French* King's going to *Geneva*, he should march to *Rome:* What may not all this come to? especially since the Marquis *de Lavardin* has been so passionate in his Discourse to the Cardinal-Chancellor, as to call him Impertinent; and so far to forget his Duty and Reverence toward our holy Father, the *Pope* himself, as to say he Doated: as the Heretics do confidently discourse in these Parts. I have caused some Masses of the *Holy Ghost* to be said, That GOD would please to inspire the discontented Parties with a Spirit of Peace and Concord. You did acquaint me, some time since, That Madam *Maintenon* did take upon her the Title of *Daughter of the Society*; by Vertue whereof, you may command her, by Vertue of Obedience to use her Credit and Eloquence with the King, to incline him to an Accommodation in this Matter. In the mean time, I hear that at *Rome*, many evident Persons endeavour at the same with his Holiness, who says, He cannot, nor ought to recede from what he has done; otherwise, it were in effect to submit

to

to the Articles made in *France* by the Clergy in 1682, and conſequently of too great moment to recant: and therefore, Submiſſion ought to come from the Son, and not from the Father. I recommend myſelf (Reverend Father) to your Prayers and Bleſſing, deſiring you would continue to aſſiſt me with your ſalutary Counſels, and reſt for ever,

St. James's, Feb. 9th. *Yours*, &c.

III. *The Anſwer of the Reverend Father* La Chaiſe, *Confeſſor to the* Moſt Chriſtian King, *to a Letter of the Reverend Father* Petre, *Jeſuit, and Great Almoner to the King of* England, *upon the Method or Rule he muſt obſerve with His Majeſty, for the Converſion of His Proteſtant Subjects.*

Moſt Reverend Father;

WHEN I compare the Method of the *French* Court (which declares againſt all Hereſies) with the Policy of other Princes, who had the ſame Deſign in former Ages; I find ſo great a Difference that all that paſſes now a days in the King's Council is an impenetrable Myſtery: and the Eyes of all *Europe* are opened, to ſee what happens; but cannot diſcover the Cauſe.

When *Francis* the Firſt, and *Henry* the Second his Son, undertook to Ruin the Reformation, they had to ſtruggle with a Party which was but beginning and weak, and deſtitute of Help; and conſequently eaſier to be overcome.

In the Time of *Francis* the Second, and *Charles* the Ninth, a Family was ſeen advanc'd to the Throne by the Ruin of the Proteſtants, who were for the Houſe of *Bourbon*.

In this laſt Reign many Maſſacres happened, and ſeveral Millions of Heretics have been ſacrificed, but it anſwered otherwiſe: and his Majeſty has ſhow'd (by the peaceable and mild Ways he uſes) that he abhors ſhedding of Blood; from which you muſt perſuade his *Britannic* Majeſty, who naturally is inclined to Roughneſs, and a kind of Boldneſs, which will make him hazard all, if he does not politicly manage it; as I hinted in my laſt, when I mentioned my Lord Chancellor.

Moſt Reverend Father, to ſatisfy the deſire I have to ſhew you by my Letters the Choice you ought to make of ſuch Perſons fit to ſtir up, I will in few words (ſince you deſire it) inform you of the Genius of the People of our Court, of their Inclinations, and which of them we make uſe of; that by a Parallel which you will make, between them and your *Engliſh* Lords, you may learn to know them.

Therefore I ſhall begin with the Chief: I mean, our great Monarch. It is certain that he is naturally good, and loves not to do Evil, unleſs deſir'd to do it. This being ſo, I may ſay, he never would have undertaken the Converſion of his Subjects, without the Clergy of *France*, and without our Societies Correſpondence abroad. He is a Prince enlightened; who very well obſerves, that what we put him upon, is contrary to his Intereſt, and that nothing is more oppoſite to his great Deſigns, and his Glory; he aiming to be the Terror of all *Europe*. The vaſt Number of Malecontents he has cauſed in his Kingdom, forces him in Times of Peace to keep three times more

Forces than his Anceſtors did in the greateſt Domeſtic and Foreign Wars: which cannot be done, without a prodigious Expence.

The People's Fears alſo begin to leſſen, as to his aſpiring to an univerſal Monarchy: and they may aſſure themſelves he has left thoſe Thoughts, nothing being more oppoſite to his Deſigns, than the Method we enjoin him. His Candor, Bounty and Toleration, to the Heretics, would undoubtedly have opened the Doors of the *Low Countries*, *Palatinate*, and all other States on the *Rhine*, and even of *Switzerland:* whereas Things are at preſent ſo alter'd, that we ſee the *Hollanders* free from any Fear of Danger; the *Switzers* and City of *Geneva*, reſolved to loſe the laſt Drop of their Blood in their Defence; beſides ſome Diverſion we may expect from the Empire, in caſe we cannot hinder a Peace with the *Turks*; which ought to haſten his *Britannic* Majeſty, while he can be aſſured of Succours from the *Moſt Chriſtian King*.

Sir, his Majeſty's Brother is always the ſame, I mean, takes no notice of what paſſes at Court. It has ſometimes happened, that King's Brothers have acted ſo, as to be noted in the State; but this we may be aſſur'd will never do any thing to ſtain the Glory of his Submiſſion and Obedience: and is willing to lend a helping Hand for the Deſtruction of the Heretics; which appears by the Inſtances he makes to his Majeſty, who now has promiſed him to cauſe his Troops to enter into the *Palatinate* the next Month.

The *Dauphin* is paſſionately given up to Hunting, and little regards the Converſion of Souls; and it does not ſeem eaſy to make him penetrate into Buſineſs of Moment; and therefore we do not care to conſult him which Way, and how, the Heretics ought to be treated. He openly laughs at us, and ſlights all the Deſigns, of which the King his Father makes great Account. The *Dauphineſs* is extremely witty; and is without Doubt uneaſy to ſhew it in other Matters, beſides Complements of Converſation. She has given me a Letter for the Queen of *England*; wherein after her Expreſſion of the Part ſhe bears on the News of her Majeſty's being with Child, ſhe gives her ſeveral Advices about the Converſion of her Subjects.

Moſt Reverend Father, ſhe is undoubtedly born a great enemy to the Proteſtants; and has promoted all ſhe could with his Majeſty, in all that has been done, to haſten their Ruin; eſpecially having been bred in a Court of our Society, and of a Houſe whoſe Hatred againſt the Proteſtant Religion is Hereditary; becauſe ſhe has been raiſed up by the Ruin of the *German* Proteſtant Princes, eſpecially that of the *Palatinate*. But the King having cauſed her to come to make Heirs to the Crown, ſhe anſwers Expectation to the utmoſt.

Monſieur *Louvois* is a Man who very much obſerves his Duty, which he performs to Admiration; and to whom we muſt acknowledge *France* owes Part of the Glory it has hitherto gained, both in regard of its Conqueſts, as alſo the Converſion of Heretics; to which latter I may ſay, he has contributed as much as the King; he has already ſhewed himſelf Fierce, Wrathful, and Hard-hearted, in his Actions towards them; tho' he is not naturally inclin'd to Cruelty, nor to harraſs the People. His Brother the Archbiſhop of *Rheims*, has Ways which do not much differ from thoſe of his Soul; and all the Difference I find between them is, That the Archbiſhop loves his own Glory, as much as Monſieur *de Louvois* loves that of his Majeſty. He is his own Idol; and

and give him but Incenſe, and you may obtain any thing. Honour is welcome to him, let it come which Way it will. The leaſt Thing provokes this Prelate; and he will not yield any thing derogatory to his Paternity. He will ſeem learned; he will ſeem a great *Theologian*, and will ſeem to be a good Biſhop, and to have a great care of his Dioceſe; and would heretofore ſeem a great Preacher. I have hinted in my laſt, the Reaſons why I cannot altogether like him; which are needleſs to repeat.

The Archbiſhop of *Paris* is always the ſame; I mean, a gallant Man; whoſe preſent Converſation is charming, and loves his Pleaſures; but cannot bear any thing that grieves or gives trouble; though he is always a great Enemy of the *Janſeniſts*, which he lately intimated to Cardinal *Camus*. He is always with me in the Counſel of Conſcience, and agrees very well with our Society; laying moſtly to heart the Converſion of the Proteſtants of the three Kingdoms. He alſo makes very good Obſervations, and deſigns to give ſome Advice to your Reverence, which I ſhall convey to you. I do ſometimes impart to him what you write to me.

My Lord *Kingſton* has embraced our good Party: I was preſent when he abjur'd in the Church of *St. Dennis*, I will give you the Circumſtances ſome other Time.

You promiſed to ſend me the Names of all Heretic Officers who are in his Majeſty's Troops; that much imports me; and you ſhall not want good Catholic Officers to fill up their Places. I have drawn a Liſt of them who are to paſs into *England*; and his *moſt Chriſtian* Majeſty approves thereof: Pray obſerve what I hinted to you in my laſt, on the Subject of the Viſits, which our Fathers muſt give to the Chief Lords, Members of the next Parliament; thoſe Reverend Fathers, who are to perform that Duty, muſt be middle-aged, with a lively Countenance, and fit to perſuade. I alſo adviſed you in ſome of my other Letters, how the Biſhop of *Oxford* ought to behave himſelf, by Writing inceſſantly, and to inſinuate into the People the putting down the * Teſt; and at the ſame time calm the Storm, which the Letter of Penſionary *Fagel* has raiſed. And his Majeſty muſt continue to make vigorous Prohibitions to all Bookſellers in *London*, not to print any Anſwers: as well to put a Stop to the Inſolency of Heretic Authors; as alſo to hinder the People from reading them.

In ſhort, you intimate to me, That his Majeſty will follow our Advice: It is the quickeſt Way, and I cannot find a better, or fitter, to diſpoſſeſs his Subjects from ſuch Impreſſions as they have received. His Majeſty muſt alſo, by the ſame Declaration, profeſs in Conſcience, that, if complied with, he will not only keep his Word, to maintain and protect the Church of *England*, but will alſo confirm his Promiſes by ſuch Laws, as the Proteſtants ſhall be contented with. This is the true Politic Way; for by his granting *all*, they cannot but conſent to ſomething.

His *moſt Chriſtian* Majeſty has with great Succeſs experienced this Maxim: and tho' he had not to ſtruggle with *Penal Laws* and *Teſts*, yet he found it convenient to make large Promiſes, by many Declarations; for, ſince we muſt

* He did write a Paper which had a Tendency that Way, and which is ſtill extant.

diſſemble, you muſt endeavour all you can to perſuade the King, it is the only Method to effect his Deſigns.

I did alſo in my laſt, give you a hint of its Importance, as well as the Ways you muſt take to inſinuate yourſelves dextrouſly with the King, to gain his Good Will. I know not whether you have obſerved what paſſed in *England* ſome Years ſince, I will recite it, becauſe Examples inſtruct much.

One of our Aſſiſting Fathers of that Kingdom, (which was Father *Parſons*) having written a Book againſt the Succeſſion of the King of *Scots*, to the Realm of *England*, Father *Creighton*, who was alſo of our Society, and upheld by many of our Party, defended the Cauſe of that King, in a Book Intitled, *The Reaſons of the King of* Scots, *againſt the Book of Father* Parſons: and tho' they ſeemed divided, yet they underſtood one another very well, this being practiſed by Order of our General, to the End, that if the Houſe of *Scotland* were excluded, they might ſhew him, who had the Government, the Book of Father *Parſons*; and on the other hand, if the King happened to be reſtored to the Throne, they might obtain his Good Will, by ſhewing him the Works of Father *Creighton:* So that which way ſoever the Medal turn'd, it ſtill prov'd to the Advantage of our Society. Not to digreſs from our Subject, I muſt deſire you to read the *Engliſh* Book of Father *Parſons*, Intitled, *The Reform of England*; where, after his blaming of Cardinal *Pole*, and making ſome Obſervations of Faults in the Council of *Trent*, he finally concludes, That ſuppoſe *England* ſhould return (as we hope) to the Catholic Faith in this Reign, he would reduce it to the State of the primitive Church: and to that End all the eccleſiaſtical Revenue ought to be uſed in common, and the Management thereof committed to the Care of *Seven wiſe Men*, drawn out of our Society, to be diſpoſed of by them as they ſhould think fit. Moreover, he would have all the Religious Orders forbidden on Religious Penalties, not to return into the Three Kingdoms, without leave of thoſe *Seven Wiſe Men:* to the End, it might be granted only to ſuch as live on Alms. Theſe Reflections ſeem to me very judicious, and very ſuitable to the preſent State of *England.*

The ſame Father *Parſons* adds, That when *England* is reduced to the true Faith, the *Pope* muſt not expect, at leaſt for five Years, to reap any Benefit of the Eccleſiaſtical Revenue; but muſt leave the whole in the Hands of thoſe *Seven Wiſe Men*; who will manage the ſame to the Benefit and Advancement of the Church.

The Court goes this Day for *Marli*, to take the Divertiſements which are there prepared: I hope to accompany the King, and will entertain him about all Buſineſs; and accordingly as he likes what you hint to me in your Letter, I ſhall give you notice. I have acquainted him with his *Britannic* Majeſty's Deſign, of Building a *Citadel* near *Whitehall*; Monſieur *Vauban*, our Engineer was preſent: after ſome Diſcourſe on the Importance of the Subject, his Majeſty told Monſieur *Vauban*, that he thought it convenient he ſhould make a Model of the Deſign, and that he ſhould on purpoſe go over to *England*, to ſee the Ground. I have done all I could to ſuſpend the Deſigns of our Great Monarch, who is always angry againſt the *Holy Father:* both Parties are ſtubborn: The King's natural Inclination is, to have all yield to him; and the *Pope*'s Reſolution is unalterable.

All

All our Fathers moſt humbly ſalute your Reverence. Father *Roine Ville* acts wonderfully about *Niſmes* amongſt the New Converts, who ſtill meet, notwithſtanding the Danger they expoſe themſelves to. I daily expect News from the Frontiers of the Empire, which I ſhall impart to your Reverence, and am with the greateſt Reſpect,

Paris, March 7, 1688. *Yours*, &c.

From the Earl of Oxford's *Collection.*

[*While this Controverſy ſubſiſted between the* King *and the* Church, *the latter, in this Time of Danger, thinking all Weapons lawful for her own Preſervation, had recourſe to Ridicule: and made no Difficulty to level it againſt Majeſty itſelf, as appears by the following Piece.*]

To the King's Moſt Excellent Majeſty,

The Humble Addreſs of the Atheiſts *or the Sect of the* Epicureans.

GREAT SIR,

SINCE Men of all Factions and Miſperſuaſions of Religion have preſented their Thanks, for your Majeſty's gracious Declaration of *Liberty of Conſcience*, we think our ſelves obliged as *Gentlemen* to bring up the Rear, and become *Addreſſers* too. We are ſure there is no Party of Men more improved and advanced by your *Indulgence*, both as to Principles and Proſelytes of *England*; and our Cabals are as full as your Royal Chapel; for your unlimited Toleration has freed the Nation from the troubleſome Bigotries of Religion, and has taught Men to conclude, That there is nothing Sacred or Divine but *Trade* and *Empire*, and nothing of ſuch eternal Moment as *ſecular Intereſt*. Your Majeſty's Univerſal Indulgence hath introduced ſuch unanſwerable Objections towards all Religion, that many have given over the troubleſome Enquiry after Truth, and ſet down that eaſy and happy Inference, That all Religion is a Cheat. In particular, we can never ſufficiently congratulate and admire that generous Paſſage in your Majeſty's gracious Declaration, wherein you have freed your People from the ſolemn Superſtition of Oaths, and eſpecially from thoſe ſlaviſh ceremonious ones of Supremacy and Allegiance; and are pleaſed to declare, That you expect no more from your People, than what they are obliged to by the ancient Law of Nature; and ſo have bravely given them leave to *preſerve* and *defend* themſelves according to the Firſt Chapter of Nature's *Magna Charta*. Your Majeſty was pleaſed to wiſh, That all your Subjects were of your *own Religion*, and perhaps every Diviſion wiſhes you were of theirs; but for our parts, we freely declare, That if ever we ſhould be obliged to profeſs any Religion, we would prefer the Church of *Rome*, which does not much trouble the World with the Affairs of inviſible Beings, and

and is very Civil and Indulgent to the Failings of human Nature. That Church can eaſe us from the grave Fatigues of Religion, and, for our Moneys, allow us Proxies, both for Piety and Penances: We can eaſily ſwallow and digeſt a *Wafer Deity*, and will never cavil at the Maſs in an unknown Tongue, when the Sacrifice it ſelf is ſo unintelligible. We ſhall never ſcruple the Adoration of an Image, when the chiefeſt Religion is but Imagination: And we are willing to allow the *Pope* an abſolute Power to diſpenſe with all penal Laws, in this World and in another. But before we return to *Rome*, the greateſt Origin of Atheiſm, we wiſh the *Pope* and all his Vaſſal Princes would free the World from the Fear of *Hell* and *Devils*, the *Inquiſition* and *Dragoons*, and that he would take off the *Chimney-Money* of *Purgatory*, and *Cuſtom* and *Exciſe* of *Pardons* and *Indulgencies*, which are ſo much inconſiſtent with the flouriſhing Trade and Grandeur of the Nation. As for the Engagements of Lives and Fortunes, the common Complement of *Addreſſers*, we confeſs we have a more peculiar Tenderneſs for thoſe moſt ſacred Concernments, but yet we will hazard them in Defence of your Majeſty, with as much Conſtancy and Reſolution, as your Majeſty will defend your *Indulgence*; that is ſo far as the Adventure will ſerve our Deſigns and Intereſt.

From the Devil-Tavern, *the Fifth of* November, 1688. *Preſented by* Juſtice Baldock, *and was graciouſly received.*

From the Earl of Oxford's *Collection.*

Remarks from the Country, upon the two Lettters relating to the CONVOCATION and Alterations in the LITURGY.

[*The Project of a Comprehenſion was ſet on foot with much Earneſtneſs, ſoon after the Revolution. It has frequently been eſpouſed by Men eminent for Learning and Moderation; and Integrity too, ſo far as the Hearts of Men can be known by the Conduct of their Lives. Yet whether a Law to remit the Ceremonies moſt uſually cavilled at, would have any conſiderable Effect, ſeems to be a Problem not capable of a Solution, but by making the Experiment, an Experiment which the Church of* England *cannot make upon even Terms with the different Sects of the Diſſenters; for the latter have no body to undertake for their Conformity, although the moſt ample Conceſſions were made, and might even attempt from ſuch Conceſſions to raiſe popular Arguments for farther Alterations. The Experience of Ages hath however ſhewn that Lenity and Toleration are more proper Inſtruments of eccleſiaſtical Polity than Severity and Perſecution. We apprehend that this Pamphlet has ſome Share of Wit, and more of Good Senſe; and that it is as well ſuited to the preſent Time as to that in which it was written. It argues againſt the Comprehenſion, chiefly upon the Foundation of its being impracticable.*

I Am ſorry to find the Abilities of our *Engliſh* Convocation ſo much diſtruſted by ſome of their Brethren, that it ſhould be thought neceſſary to ſend public Letters of Advice, by Way of charitable Aſſiſtance to direct them what to do; had they been left to themſelves, they might poſſibly have erred dangerouſly concerning thoſe fundamental Points of the *Kalendar*, the old Tranſlation of the *Pſalms*, the *Surplice*, *&c.* and have retained a too favourable Opinion of the Service and Conſtitution of *England*, which is now become the only intolerable and unpardonable Hereſy. That Reverend Aſſembly will I hope pardon me, if at preſent I wave all Vindication of the Capacity they may be preſumed to have, for the ſetling of theſe profound Points; for it would reflect too much upon the Wiſdom of thoſe Directors, if the Convocation ſhould appear to ſtand in no need of their Charity, and their Letters look like a too forward and ſolemn Impertinence. It is a thouſand Pities ſo inſtructive and ſo eloquent Papers ſhould ever fall under ſuch an Imputation and be ranked among the Scriblings of *Eleanor James*, with this only Advantage of having better Language; whereas the Woman Counſellor is judged to have the better Meaning.

But ſuppoſing the Convocation ſo weak indeed as this Way of Proceeding does ſuggeſt, and that the Matters to be brought before them, like Children's Meat, muſt be chewed before-hand, and put into their Mouths; yet the Charity had borne a better Grace, if it had been conveyed more privately, and had concealed thoſe Defects of our Church Repreſentative which it pretended to ſupply. If theſe Gentlemen intended only to be Prompters to the Convocation, they miſtook their Part, and ſpoke much too loud, and inſtead of Aſſiſting, ſerved only to Diſgrace the Actors. Therefore when theſe inſtructing Papers were publicly expoſed among the Toys of *Weſtminſter-Hall*, and proclaimed by *Hawkers*, together with *Scotch* News, and *Obſervators*, it is no Wonder if the Company at *Harry* the Seventh's Chappel reſented the Affront, and cried out a *Libel*, and carried their Complaints as far as *Jeruſalem Chamber*, there to be decently buried in Oblivion.

It is doubtleſs out of pure Condeſcention, that one of theſe Directors is pleaſed to ſtile himſelf a *Miniſter in the Country*; the undertaking does not agree very well with his Character, and it is ſeldom that Perſons of that Rank take upon them to direct and catechiſe Synods. Country Miniſters, poor Men, are at too great a Diſtance from the Spring of Buſineſs to be ſo early acquainted with theſe Myſteries, hid from the Country, 'till theſe Letters revealed them. But the Knowledge of Affairs, and the Aſſuming that commonly attends too much Knowledge, ſpeaks this Author rather of the Commiſſion than of the Country. But if the Title be ſerious, it is a great Pity that the obſcure dull Country, that knows not how to value ſuch a Treaſure, ſhould poſſeſs him any longer ſo much to his own Diſadvantage, as well as to the Regret of the Court and City.

The Author of the *Letter to a Friend* is pleaſed to give ſome Intimations of his being a Member of the Convocation, which ſome Perſons who wiſh well to the Deſign of the Letter, will by no means allow; and indeed it ſeems ſomething odd and prepoſterous, that a Perſon of ſo impetuous and irreſiſtible Eloquence, ſhould in the firſt Place enter his public Proteſtation, and make his final

final Appeal to the People, before he had tried the Force of one of his Reasons within-doors. But some of our Friends from this rough Way of Proceeding, guessed him to be an Undertaker, who was to prepare Men as well as Matter for this Convocation; and not finding the Success of his private Application to answer the Expectations he had conceived, or the Assurances he had given, grew wroth with the Disappointment, and fearing to have lost his Design, lost his Patience and Discretion to that Degree, as to cry out of Obstinacy and Rigor, and in a Sort to post the Convocation for stiff and inflexible People, before any thing had been in due Form laid before them.

You may imagine from this Beginning, that I shall differ from the Sense of these Letters in every Point proposed; but to prevent such a Mistake, I will let you see at setting out, how easily we are agreed; for I join heartily with the Country Minister in the first thing he lays down, *p.* 3, 4. as the Foundation of what he afterwards should propose, *that there are such things in the Church of* England *that are in their own Nature alterable*, and the other Letter notes it as *a great Mistake in us to hold any thing of this Nature not prescribed in Scripture to be unalterable.* I have some Exception against the Words *in us*, because I do not know the Companions of his Mistake; and I dare be bound to free all Church of *England* Men from the Imputation. For how addicted soever they may be thought to their Constitution and their Forms, I never could meet with any of them so unreasonably stiff, as not readily to allow every thing of human Institution and Use, to be in its Nature changeable. And because I would not have a Point so evidently true as I take this to be, brought under evil Suspicion by a false Argument, I desire the Convocation-Man pretended, to pray in aid of somebody who understands the Language, and to look over the Titles of those twenty Volumes of *Greek* Liturgies, that he calls to witness, *p.* 13. 4. *how much the* Greek *Church has altered Forms*, for fear all these Volumes should happen to be *not so many different Forms of their Liturgies*, often altered and brought to a Review, but Parts of one and the same Service; because I do not remember many Volumes of *Greek* Liturgies printed, besides those which, as several Offices, make up the present Service of the *Greek* Church. There are indeed three old ones printed by *Morellius*, but all of them not half so big as our *Common-Prayer*. There is one thing more which I would desire him to consider for the sake of this first Point in which we are agreed, and that is what he affirms in the same Place, *p.* 14. *that the Act of King* Edward *the* 6th, *was the first Law for an Uniform Liturgy in any Church, that was ever Enacted from the beginning of Christianity to that time.* Such a Man as our Author, who speaks of *MSS.* in the Lump, cannot be ignorant that the Canons of Provincial Synods, for Uniform Liturgies, had the Effect of Laws, and especially in these Western Parts, where Kings were commonly present in Synods, and ratified what was there concluded. This Men of ordinary Reading may be allowed to know, because it is in Print; but besides, many very ordinary Men, without affecting to pry into the Secrets of Learning, have heard of such Men as King *Pippin* and his Son *Charles the Great*, and that they laid aside the *French* Service, and established the *Roman* in its Place, and that by such Laws as passed in those times: And *Charles* in his Constitution, *de Emendatione Librorum Ecclesiasticorum*, expressly ratifies the

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Service Book ſo corrected by a Law, *noſtra eadem volumina authoritate conſtabilimus, veſtræque Religioni in Chriſti Eccleſiis tradimus ad legendum.* It was likewiſe by Law, that the *Roman* Office was eſtabliſhed in *Spain* under *Alphonſus* the *6th*, much againſt the Grain of the Church, which could not part with its old Office without Tears. Therefore to conclude this Point, that there are Things in their Nature alterable, I would deſire this Gentleman to alter theſe Paſſages, if he thinks fit, in the next Edition of his Letter.

Now that you may not think, that we ſhake Hands here at ſetting out, in order to part preſently; I do willingly agree with the ſame Author, *p.* 1, 2. *That nothing is more dangerous to Religion, than frequently to make Alterations in things pertaining thereto:* Nay, though it were *in outward Circumſtantials only, that the Church of* England *may be juſtified in her Proceedings hitherto, that ſhe has not been forward on every Demand of the Diſſenters, to unhinge thoſe of her Communion from her long received Eſtabliſhment, but has to the utmoſt reſiſted all Alterations from them, hoping by leſs dangerous Methods to cure,* &c. When I met with ſo many Paſſages in theſe Letters, reflecting with great Sharpneſs upon our Service and preſent Conſtitution, I began to be afraid, that we might have been in the wrong, ever ſince *Edward* the 6th's Days: But I took Courage, when I found that hitherto all had been well; and, provided we yield ourſelves tractable upon this Occaſion, all our paſt Proceedings and Stiffneſs againſt Diſſenters may be juſtified. It is well for the Church, that ſhe needs not apprehend any Retroſpect into her Behaviour; ſince, as Times go with Churchmanſhip, it muſt be acknowledged to be no common Favour. But, good Sir, how can this Liberality conſiſt with thoſe Reflections you make upon the paſt Conduct of the Church, how can it conſiſt with your Cenſure of *that unreaſonable Rigor, whereby we have hitherto maintained them,* p. 5. or with this kind Expoſtulation, *have we not already loſt our Reputation with the People of the Land, by inſiſting too rigorouſly on thoſe things?* How can it agree with the frightful Repreſentation you are pleaſed to give of the Faults of the Liturgy: p. 15. *for if we are forced to read ſuch ridiculous things to our People inſtead of the Word of God; if by reading the old Tranſlation of the Pſalms we impoſe that on our People for true Scripture, which in ſo great a Number of Places quite differs from it; and if there be many Grievances and Defects of this Nature which he could tell us of, to which we are bound:* If all this be in earneſt, I muſt needs confeſs, that I cannot ſee how we may be juſtified for the Time paſt; for were theſe *ridiculous things* leſs ridiculous, or theſe reading Pſalms leſs differing from true Scripture a hundred Years ago? Was it allowable to retain *moſt Religious and Gracious King* in the laſt Reigns, and is it now grown a *Flattery not to be warranted?* Thoſe things that are now ſuch Grievances and Defects, were they of another Nature in the Days of Queen *Elizabeth?* In ſhort, the Liturgy and Conſtitution of the Church of *England*, are they grown worſe and more intolerable now, than when theſe Gentlemen thought fit to declare their Aſſent and Conſent to them? Yet both give the Church and Liturgy very good Words; *a Church*, ſays one, *which I am certain of in reſpect of its Doctrine, Worſhip and Order, is inferior to none upon the Face of the Earth*, p. 1. *As to the Liturgy of our Church*, ſays the other, *I freely acknowledge, and I think no Man can contradict me herein, that it is the beſt which was*

ever yet used in any Christian Church, p. 12. Now if this Liturgy, so faulty, so ridiculous, so wicked as to impose false Scripture upon the People be yet the best of any; and if this Church, with all the Faults here represented, so unwary as to turn the Sign of the Cross into a Sacrament, be inferior to none; God help the rest, I say! I am afraid, that I should be tempted to have a very sorry Opinion of Churches and Liturgies, if I had not some hopes, that our Authors might be mistaken in many of those things they expose for the Defects of the Church of *England:* But I must confess, that I cannot see how 'tis possible to reconcile the Compliment with the Reproach. *Weigelius* indeed pretends, that in the School of Grace Contradictories may be reconciled and united by the Mind: but the Matter being past my Skill, all the Service I can do him, is to refer him to that Mystical Divine.

I once thought, these Alterations so much talked of, were intended by way of Condescension and Favour; but when I find these Advocates for the Project lick up the Venom of the Dissenters, and spit it in the Face of their own Church; when they try to give new Strength to old weak Objections, and affect new Quarrels and Cavils against the Liturgy; there is too great reason to be jealous, that they do not intend to mediate an Accommodation, but to procure a Conquest for the Dissenters. Many therefore that seemed not averse to make some Concessions, provided it might have been to any good Effect, were extremely discouraged by the Method which these Undertakers took to persuade them. For if this new pretended Reformation cannot be introduced, but upon the Disparagement and Condemnation of the old, if it must reflect Blemish and Infamy upon the Memory of the preceding Generations of our Church, if it must throw Contempt and Ignomy upon so many excellent Persons, who have not only consented to this Constitution, but defended and justified it against the frivolous Exceptions of Dissenters; if this be the Case, you must pardon me, if I have not now that Inclination to Alterations which I own myself to have had heretofore.

Neither would I be thought so punctilious, as to prefer a Point of Honour to a Case of Necessity. If it be so necessary to make these Changes, if it will unite all Protestants, and create an universal Concord, I am content to discharge all these Circumstantials, and bid them stand out of the Way of such mighty Blessings. That so it is, a certain Person positively affirms *to a Friend*, p. 2. *I think now to make such Alterations as are proposed, so absolutely necessary as ought no longer to be deferred:* and then, p. 8. *That these things administer only to Schism and Division in the Church, and to Distraction in the State.* And again, p. 9. *They become mischievous too in the Evils that they bring upon the Church and State.* Nay, further, p. 10. *I here plainly aver, that the Church of* England *cannot be guiltless in this Matter*, if she do not alter some of these things. And to conclude, *The present Posture of Affairs require it: For the greatest Hopes of the* French *for our Destruction is from our Divisions: And what Remedy have we left to prevent this terrible Ruin, but to come to as firm a Union among ourselves as we are able? And the Hopes of preserving Church and State from the great Dangers under which they are both involved, do in a great measure depend upon what we shall do*, p. 5. Who could have imagined, that these little things should be of so great Consequence either for Good or Hurt? If these

these *Trifles* had but Sense enough to understand the Charge laid against them, they could not but wonder with the Fly upon the Coach-Wheel, at the mighty Dust they made; and could they but speak for themselves, they might plead with the Officers of the Children of *Israel*, Exod. v. 16. *Behold thy Servants are beaten, but the Fault is in thine own People.* However, since they are so positively accused of having raised the Tempest, and there is no way to calm it, but by throwing these unhappy Occasions over-board; let us consent, and, by way of Supposition, lay all these things aside. Now, Sirs, it is all done as you have ordered: Call the Dissenters in, that the Church may be full: Go to the Quakers, for they are a numerous and very compact Party; and let them know, that there is now neither *Apocrypha*, nor obsolete Translation, nothing but Scripture in the Lessons; that there are now Collects more spiritual than the old; and, in short, a Liturgy, and a Church better than the best. What Answer, think ye, the Foreman of a Quaker-Assembly would probably return to such an Invitation? You may reasonably expect something to this Purpose. Friend, go to thy Steeple-house and thy dead Letter again: thou mightest have kept thy old Lessons and thy Prayers for us, and forbear tempting and troubling our Spirit any further.

But pray, Sirs, be not so far discouraged by the Obstinacy of one unmannerly Sect, as not to proceed to a Trial of the rest. Carry then your reformed Liturgy to the Anabaptists, and acquaint them what glorious Alterations you have made, and that it is now quite another thing from the old one, at which they were so justly offended: Nay, the Sign of the Cross in Baptism, that great Stumbling-block, is removed, and the Surplice, that offended tender Eyes, is turned into Aprons for the Church-warden's Wife: Come, Bretheren, let us all go into one Church, and then we shall beat the *French*, and save the Nation. When you had said all you could, the Pastor, on behalf of his sworn Congregation, would gravely tell you, that you were much mistaken, if you intended to gain them by your Alterations. For you could not but know, that their Exceptions were not against this or that Passage in the Common-Prayer, but against the Whole; all Forms of Prayer, in their Opinion, tending to suppress the free Motions of the Spirit: Besides, what could it avail in respect of them, that the Cross in Baptism was removed, since Infant-Baptism was to them a greater Offence than all the Ceremonies of the Church of *England?* And as for the *French*, they were willing to join against them; but there was no Necessity of making the Church the General Rendezvous.

The Design is great and generous: I beseech you do not sit down and despair, after but two Denials. Go on to the Independents, for they are civil Men, and tell your Story to the best Advantage. Tell them, that now you have Prayers that Angels would be content to join in; Prayers, that must make all Men Saints that use them: Come then to our Church, and see the new and heavenly Face of Things these Alterations have made; you cannot possibly find fault now with our Parish-Churches: Besides, there is an absolute Necessity now for our joining in one National Church, otherwise the *French* and the *Philistines* will be upon us. Parish Churches, and National Churches! reply the Independants: And what can the *French* and the *Philistines* do worse? You know we are in Covenant with God, and with our Pastors, from which we cannot

recede, though all the World ſhould be deſtroyed: Thoſe mixed Companies and Pariſh-Aſſemblies our Souls hate, and therefore do not urge us. We have our Liberty now to meet in our own Way; and for aught I know, this Diſturbance you have given us may fall within the Compaſs of the Act: You know the Forfeit, therefore be wiſe. But before you go, take your Anſwer in the Words of the Prophet, *Who has required this at your Hand?*

Now, Gentlemen, if you are weary of walking, ſend for *T. F.* and the *Socinians*; he perhaps may owe you a Viſit, and will be glad of an Opportunity to ſhew his Coach. Let him underſtand his Obligation to you, how for his ſake you have either taken away the *Athanaſian* Creed, or pulled out the Sting of it. It is therefore more for their Credit to join with us upon this Occaſion, than to make themſelves odious to all Chriſtians, by joining Intereſt and Friendſhip with *Mahometans*. A Man of leſs Pertneſs than *T. F.* would return upon you, That you cannot expect any Compliance from them, as long as the *Nicene* Creed, the Spring of all the Doctrine which makes up your Myſtery, and their Abomination, does remain; they will do you the civility to hear you preach, provided you confine yourſelves to Morality, and forbear the Doxology at the Concluſion.

Unfortunate Enterprize! yet ſurely thou deſerveſt a more favourable Providence, and a more ſuitable Succeſs: But, Sirs, be of good comfort, there is yet one hopeful Reſerve that can never fail you, I mean the good *Presbyterians:* Make haſte therefore to Mr. *A.* and Mr. *B.* before the *Scotch* Covenanters have engaged them: make them ſenſible that the Gates of Iron are broken down, and the *Trojan* Horſe may now enter in with all that he has in his Belly, without any hard Examination that may diſcover a Conſpiracy. Now the Ceremonies are given up as uſeleſs and miſchievous; now the Communion may be given you ſtanding, or ſitting, or lolling, if you think it more for Edification; all Superſtition and Offence is taken out of the way, and all the old Demands yielded; nay, there is nothing left in our new Book, that ever fell under your Diſpleaſure: Come in now, for we have engaged for you, and all our Credit is at ſtake. Methinks I ſee Mr. *A.* draw his Mouth, and put this ſly Queſtion, And muſt this new Book be impoſed? Why, you will ſay, it is ſo abſolute and ſo perfect, that it were to be wiſhed that it were impoſed upon the whole World. Nay, ſaith Mr. *A.* do you not know *the Miſchief of Impoſitions?* Can you be ignorant that it is our common Doctrine from which we can never depart, That Command changes the Nature of the thing? Beſides, after all your Cobling, it is ſtill but *Common-Prayer*, and our People can never endure it; for after they have been uſed to the Excellence and Variety of our ſpiritual Effuſions, they will never ſuffer themſelves to be brought down to the poor and beggarly Elements of *Common-Prayer*. To be brief, it is our fervent pouring out, is the very Brandy of Devotion; thoſe that are once accuſtomed to it, can never leave it.

For the laſt Stage of your Apoſtleſhip for Union, addreſs yourſelves to the moderate Presbyterians, if any ſuch Creatures there be; you may aſſure yourſelves they are but few, and ſcarce ariſe to the Number of the Apoſtles: However, they are conſiderable for the Scarcity of them, if for nothing elſe; theſe are your own wherever you can find them; for it is impoſſible they ſhould ever

reſiſt

reſiſt the Power of your Alterations, when they come to underſtand, that for their ſakes you have changed your Conſtitution, and hazarded the Diſpleaſure and Separation of your own People. But becauſe it is cuſtomary, after the firſt Groan, for the Zeal of theſe good Men to fire againſt Lords Biſhops, and the Hierarchy, give them the Wink, and whiſper them in the Ear, that perhaps it may come now to the turn of ſuch godly Men as they to be Biſhops: aſſure yourſelf, this will make them much more moderate, eſpecially when they ſee ſo many Biſhops Seats upon the point of being pronounced void, and the Countenance of the Court to ſhine ſo auſpiciouſly upon their Merit. And, leſt they may fear this Hierarchy may lie too heavy upon their Conſciences, you may aſſure them that care ſhall be taken to relieve them under this Oppreſſion; and they may, when they think fit, reſign their Dignity and Revenue, and have the Honour of ſtanding laſt in the Catalogue of that Order. And what better Courſe can they take to ſecure themſelves a Name in After-Ages, than that it ſhall be ſaid, that in them the *Engliſh* Hierarchy, ſo much ſpoken againſt, did finally expire? One private friendly Reaſon in one's Ear proves many times more convincing than all the Arguments that can be alledged in Print, or public Diſputation; and to moderate Men, Alterations with Preferments muſt be irreſiſtible Motives of Conformity, unleſs they think they have a fairer Game than this you would put into their Hands, and it ſhall ſeem more adviſeable to them, to ſtick where they are, than to join in a diſcouraged ſinking Communion. This Ramble of Imagination is not altogether a Dream; or if it be, it is neither vain nor deluſory, but flew abroad through the right Gate.

But the Letters tell us, that *ſuppoſe there were never a Diſſenter in the Land*, thoſe Alterations ought to be made; *Miniſt.* p. 27. *to gratify ourſelves by further Improvements, Amendments and Perfection.* Let us then, before we comply, conſider a little of the State of Perfection into which theſe Alterations would tranſlate us. Is it for our own ſake and Perfection that we ſhould leave the Croſs in Baptiſm, and renounce the common Badge of Chriſtianity, and the Practice of the univerſal Church? Is it for Perfection that we ſhould lay aſide the Surplice for the ſhort Mantle? Is it for the heightning and Perfection of our Devotion, that we ſhould chuſe to receive the Communion ſtanding or ſitting, rather than upon our Knees? Is it for our own ſake that we ſhould leave the old Verſion of the *Pſalms*, that has generally a plain and determined Senſe, for the new that affects too much of the *Hebrew* Phraſe, and in which the Senſe in many Places is ſuſpended? Is it for greater Edification, to aſtoniſh our People with reading in our Churches all the hard Names in the *Chronicles*, *Ezra*, and *Nehemiah*, inſtead of the Books of *Wiſdom* and *Eccleſiaſticus?* If the *Canticles* are omitted, becauſe Interpreters of that myſterious Song are not ſo eaſily to be found as Readers, we have the Practice of the Synagogue and the antient Church to juſtify us. But *Tobit* and his Dog are abominable. Give me leave for once to intercede for that poor Dog, becauſe he is a Dog of good Example, for he was faithful, and loved his Maſter; beſides that, he never troubled the Church on *Sundays*, when People have their beſt Cloaths on: only on a Week-day, when ſcrupulous Brethren are always abſent, the poor Cur makes bold to follow his Maſter.

But

But after all, I would not be thought ſo fond of our Liturgy, as to pronounce it beyond all Improvement; yet I muſt avow, that in my Judgment the Authors of the Letters have not put us in the right Way to Perfection. In the laſt place therefore, although many things in our Church might receive Improvement, if our Directors had put us in the right Way of retaining them; yet I muſt declare, that, in my Judgment, the preſent time is the moſt improper to try the Practice of any that has paſt ſince the Reformation. Perfection is certainly a deſirable thing, yet if Mens Minds are averſe, and for the preſent uncapable, if the Times are unſeaſonable, if Inconveninces appear inſeparable from the Experiment, Men may be excuſed if they do not preſently run away with every Project of good Appearance; and their Shyneſs for meddling with new Practices ought to be aſcribed rather to their Tenderneſs and godly Jealouſy, and Miſtruſt of Conſequences, than as one of our Epiſtlers in his great Charity is pleaſed to judge to their *Peeviſhneſs*, *Stiffneſs*, or, what is the hardeſt Charge of all, their *Wickedneſs*. Nor can I blame any Men, who, in hopes of fairer Weather, think it adviſeable to lie ſhort, in compliance with St. *Paul*'s Rule, *Phil.* iii. 16. *Nevertheleſs, whereto we have attained, let us walk by the ſame Rule, let us mind the ſame things.*

But why is not this a time? *not a Seaſon.* Says the Miniſter, *Is there any thing can make that not ſeaſonable which is always a Duty?* I am ſorry all our Predeceſſors have died in the mortal Omiſſion of this indiſpenſable Duty. But our Miniſter ſuggeſts ſometimes, that they were ignorant, and knew no better: Here I muſt leave him to diſpute this with his Friend the Author of the other Letter, who takes upon him to juſtify our Forefathers for refuſing Alterations in their time. Let it not diſpleaſe, if I cite a Scrap of *Horace* upon this Occaſion, which never gave any Offence before this laſt Convocation; *Vixerunt fortes ante Agamemnone*,——thus rendred by the old Tranſlator:

Before his Time the Fool maintains,
That Men were born without their Brains.

Is it not a Seaſon to remember the *Tenderneſs towards Diſſenters*, and the Promiſe of *coming to a Temper* in the Biſhop's Petition? What have we to do with the Biſhop's Petition? Were they not put in the *Tower* for it? Who will concern himſelf with thoſe forſaken Biſhops, whom one of our Authors threatens with *Annihilation?* Poor Men! *that muſt be immediately cruſhed, and fall to nothing*, p. 25. But I hope that, without falling under the *heavy Reſentments of the State*, I may aſk one Queſtion on the Behalf of thoſe Reverend Perſons againſt whom every Aſs is now lifting up his Heels: Are our Directors ſure that they have in their Project of Alterations hit the *Temper* promiſed by the Biſhops? If a Project formed, I know not where nor by whom, has not the Fortune to be approved, muſt the *Clamour of the People be raiſed againſt the* Biſhops, *as a baſe falſe ſort of Men, who can promiſe fair in Times of Adverſity, and forget all Performances when they are over?* I wiſh indeed that the Times of Adverſity were over with thoſe good Men, that they may be able to perform their Vows; but there is one Circumſtance of the Time

Time of the Petition generally forgot. All the Penal Laws for the Security of the Church of *England* againſt Papiſts, and other Diſſenters, were then in full Force; againſt theſe the diſpenſing Power was directed, and in behalf of theſe the Biſhops did petition; but now all thoſe Laws, as far as they concern the Diſſenters in their private Capacity, are repealed, the greateſt part of the Diſſenters are not capable of any other *Temper* than Toleration, which they all have, and the *Presbyterians*, who alone of all our Sects are capable of uniting with a National Church, are ſo far from deſiring an Accommodation, that they are raiſing new Objections againſt Conformity, and ſtanding off at greater Diſtance than ever. Their very ſitting ſtill at this time, without offering any Propoſals for Union, while Churchmen are wrangling with one another about giving them Satisfaction, declares plainly, that they are reſolved to ſtick to their own Way, after all the Alterations we ſhall be able to make. So that I do not ſee what thoſe Biſhops, if their Authority were ſtill entire, could poſſibly do further to make good the *Temper* which they promiſed.

Not a Seaſon? ſays the Miniſter. What, *becauſe the Enemy is withdrawn, ſhall we devour one another?* p. 27. This is doubtleſs an eloquent Vehemence, if I were worthy to reach the Senſe of it: *Devour one another!* God bleſs us! we are not ſuch Canibals ſure! I cannot deviſe how this ſhould come in, unleſs it ſlipped from ſome Scripture Common-Place-Book made in the time of *Vavaſor* and *Lunsford*. But *are we yet without Danger?* Now becauſe *the Man to his Friend* repreſents the Dangers more ſenſibly, we'll take his Deſcription. *We have a formidable Enemy in our Neighbourhood, who thinks of nothing leſs than of ſubjugating theſe three Kingdoms to his abſolute Tyranny; his greateſt Hopes for our Deſtruction is our Diviſions among ourſelves,—theſe make us unable to reſiſt him with that Succeſs*, &c. Is there any Prophecy I pray (for it is not civil to aſk this Gentleman for Reaſon) that Duke *Schomberg* cannot reduce *Ireland*, unleſs the Croſs in Baptiſm be taken away? Or will not our Fleet engage the *French*, except *Preſbyterian* Ordinations, made in Defiance of Biſhops and Epiſcopacy, be allowed? Have the *Quakers* promiſed to fight, if we reform the Kalendar? Or will not the *Independants* and *Preſbyterians* ſtrike one Stroke, but under the Banner of the new Reformed Church of *England*, provided always it be not a Croſs? Is there no Way of joining in Fight, and paying Taxes, without this Church-Union ſo much talked of by us, and never ſo much as mentioned by the Diſſenters? Indeed, Sir, the Diſſenters are much to blame, if after ſo ample Toleration, that, as you obſerve, *has put them upon as good a bottom of legal Right and Protection as the Church of* England, they refuſe to aſſiſt the Government, unleſs the poor defective *Common-Prayer* be put into a State of Perfection. This Church of *England* is certainly under the Dominion of the moſt unfortunate of all the Planets; for whoever miſcarries, ſhe muſt bear the Blame. If a Frigat be caſt away, the Winds and the Sea, though ſubject to no Actions in our Courts, are abſolved, and the Faults laid upon our Rigors, much harder than the Marble Rocks of *Plymouth*. If a Diſeaſe in the Camp render our Army unfit for Action, the Church of *England* is the

Cauſe,

Cauſe, becauſe ſhe does not unite all Proteſtants. If a Commiſſary victuals not the Camp ſufficiently, and a *French* Apothecary provides not proper Drugs, O the lamentable *Diviſions and Diſtractions of the Church and State!* and our ſtiff Churchmen will never come to a healing Temper. I have heard ſome learned Men ſay, that the Primitive Chriſtians were in their time in the ſame Office of Blame-bearing that we are now; if the *Roman* Arms wanted Succeſs, ſome Oracle ſpoke, Away with theſe atheiſtical Chriſtians: If the Year was unfruitful, Hang up the Chriſtians. Let the Diſſenters, or the moderate Men, ſay what they pleaſe of Biſhops, and Liturgies, and Ceremonies, this one thing at leaſt we may be allowed to have common with the Primitive Church.

I have almoſt filled up my Sheet, though I write in Short-Hand; and therefore cannot now give you my Reaſons at length, why I think this an unfit Time for Alterations, if any at all were to be thought of: I will only hint them to you in the firſt place; the Diſſenters do not ſeem to be in any Diſpoſition to an Accommodation, having never made any Propoſals either to the Commiſſioners or Convocation. 2. The Condition they are in at preſent, by the Act of Toleration, raiſes their Expectations too high to be ſatisfied with any reaſonable Terms. 3. The aboliſhing of Epiſcopacy, by their Bretheren of *Scotland*, may encourage them here to think of ſuch Matters as can never be the Fruits of a Treaty, and perhaps to dream of a ſecond Conqueſt. 4. Their Inſolence in all Places, ſince this Revolution, declares them to be above the humble Diſpenſation of an amicable Compoſure. 5. The great Men that influence them, will always think it their Intereſt to keep them ſeparate from the Church, for ſo they will be moſt for their Turn, and therefore will never ſuffer them to join with us; or ſhould they come in, will always keep them up as a ſeparate Party within the Church 6. Several of the moſt conſiderable among them have declared, they will never think of treating, unleſs their Orders are allowed, and then too they will inſiſt upon the Point of Epiſcopacy. 7. The Church of *England* Men do not ſeem to be in a Diſpoſition for altering at this time; for they find themſelves inſulted and oppreſſed in all Parts of the Kingdom, where the moderate Men are got in Power and Commiſſion. 8. The Clergy are alarmed with the Deſtruction of Epiſcopacy in *Scotland*, and think they have Reaſon to be jealous: that now the *Preſbyterians* of *England* hold Intelligence with the *Scots*; becauſe they have always correſponded. 9. Our Lay-men find Diſſenters even in this State of Separation to have the Preference; and upon a new Model they may have Reaſon to ſuſpect, that the Proſelytes may paſs for the only Churchmen, and then *Veteres migrate Coloni*. 10. There ſeems to want a Plenitude of Authority in the Convocation, to enact theſe Alterations; the *A. B.* of *Canterbury*, and five of his Suffragans, Perſons of great Conſideration and Credit in the Church, lying at preſent under an Incapacity. The Objection about their Schiſm is nothing but a Calumny of their Enemies, and ſhall have no Anſwer from me, becauſe it is not agreeable to my Temper to give it ſuch an Anſwer as it deſerves: But certainly an *A. B.* the *Præſes natus* of the Convocation, and five Biſhops of the Province, muſt needs be miſſed in the Houſe, conſiſting of but Two and Twenty.

Twenty. It is not enough to say that it is a legal House without them; for a House of Commons of forty Persons is a legal House; but there would be great Exceptions, if three times that Number, and no more, should take upon them to repeal a Statute, or alter common Law. And in this Jealousy that one Party has of another, it appears oddly, that this time of all others should be thought most proper to introduce Alterations of such a Consequence as these appear to be to the first View. 2. The Kingdom is yet in such a Ferment, and many things so unsettled, that to change now in the Church, is like altering military Exercise in the midst of a Battle, or carining a Ship in a Storm. The most proper Time for Alterations in Religion, is that which is most calm, when the Spirits of Men run low, when there is a mutual Confidence between Parties, when they all conspire in one Desire of Accommodation, and when the Ecclesiastical Authority that is to enact them, is entire, not only in respect of the Law, but of common Opinion: And whether these Circumstances belong to the present Time, you will easily discern. I will conclude with answering two Arguments in the Letters, which I had almost forgot; the first is, that *if we do not make Alterations, most certainly the Parliament will, and we may provoke them, by our Stiffness to follow the Example of* Scotland. It is a strange Confidence, and scarce of *English* Growth, to declare so certainly before-hand what our Parliament will do. These Gentlemen will pardon me, if I should think the Parliament something wiser than them, and cannot apprehend any thing from them, that may prove for the Prejudice of the Established Church, and to the Dissatisfaction of the generality of the Kingdom: For the Example of *Scotland*, we despise the Threatning I have read of an Owl that appeared in a *Roman* Council, and frighted the whole Assembly; but our Church of *England* Convocations are not so easily scared. This is the third time that Episcopacy has been abolished in *Scotland*; we know it to have revived twice, and we still believe a Resurrection.

The second Argument is, that *the King is desirous of these Alterations*, and the Church of *England* cannot but be safe in his Hands. This is an Argument I must acknowledge myself to be unable to answer yet. I know, that the King's Name and the King's Money are often used without his Knowledge; but because I cannot reply directly, I will plead the Privilege of old Age, and tell you a short Story. In the beginning of King *James* the First's Reign, the *Presbyterians* of this Kingdom entertained violent Hopes of an Ecclesiastical Revolution, and gave out every where, that the King having been bred in *Scotland* in the *Presbyterian* way, was desirous of a Change in favour of it: A great Number of Conformists, and much a greater Number than have yet appeared, for this new Project, joined with the Non conformists; defamed the Common-Prayer beyond measure; declared they could never subscribe again, though they had done it several times before: You know the Issue, they found themselves mistaken in the King's Inclinations, the moderate Men were glad to be reconciled to their Common-Prayer, and the Church out-lived the too hasty Triumphs of her Enemies, and the Treachery of her pretended Friends.

From the Collection of Sir Francis Eyles Styles, *Bart.*

A Letter to his Royal Highneſs the Duke of *York*, touching his Revolt from, or Return to the Proteſtant Religion.

By an Old Cavalier, *and Faithful Son of the Church of* England, *as Eſtabliſh'd by Law.*

[*We apprehend there is more Strength in this Piece than in Volumes which have been written againſt Popery; tho' the foregoing Letter may be diſreliſh'd by ſome proteſtant Diſſenters, we hope we here give them an ample Satisfaction, by a moſt juſt and nervous Invective againſt the Church of* Rome. *More to the Point, we are perſuaded, than* * *Abbot* Fecknam's *Speech in the Defence of it*]

Illuſtrious Sir,

WHEN I look up to the *Greatneſs* of your Quality, and down on my own *Meanneſs*, I cannot but tremble to make this Addreſs, ſo liable to be cenſur'd as preſumptuous, and obnoxious to Variety of Miſconſtruction. But ſince my Pen is guided by an *Heart* fill'd with profound *Loyalty*, and Veneration towards all the *Royal Family*, and a ſincere Reſpect and moſt paſſionate Deſires for the particular Proſperity (Temporal and Eternal) of your Royal Highneſs, I cannot refrain diſcharging what I apprehended my Duty; and therefore with good *Eſther*, finding not only my Country, but your Highneſs alſo, in ſuch apparent (I wiſh it may not prove inevitable) Hazard of Ruin, am reſolved to adventure forth, and caſt my poor weak Sentiments at your Feet; and, *If they periſh, they periſh.*

'Tis generally reported, that you are long ſince turn'd *Papiſt*; and ſo far believ'd, That every day many hundred thouſand Proteſtants are melted into Tears and Horror merely on that Conſideration, and lament the ſame, as one of the greateſt Calamities that has happen'd in our Age. I muſt do my ſelf ſo much Juſtice as to declare, That I am none of thoſe Fanatical Spirits, that either raiſe, or lightly credit Rumours to the Prejudice of my Superiours. But beſides what has been ſworn by Perſons, whoſe Evidence none have hitherto been able to invalidate by any Subſtantial Reaſons, or Incoherence in their Depoſitions; your Highneſs's Conduct, and Deportment for many Years paſt, your abſenting from the public Worſhip of our Church, refuſing legal Oaths and Teſts, your countenancing, retaining, and intimate Correſpondency with *Roman Catholicks*; and many other Reaſons not fit, at leaſt unneceſſary here to be mention'd, do all loudly ſpeak it: And for thoſe who would go about to deny it (as ſome wretched Pamphlet-ſcribblers, and unthinking Health-drinkers have done,) beſides the Folly of the Attempt, they unwarily caſt a greater Load of Ignominy and Diſhonour on your Highneſs, whilſt they pretend to vindicate you.

For is it imaginable, That a Prince of your Generoſity and Prudence would ſo far ſuffer the Affairs of your royal Brother to be embroil'd, His Councils

* Page 58, *ſupra.*

Councils diſcompos'd, All the Proteſtants in the World ſwallow'd up with Aſtoniſhment, and almoſt Deſpair, your own Honour ſullied, your Intereſt impaired, and theſe Three Kingdoms put into a deplorable Diſtraction, merely upon a falſe Suppoſition, without rectifying in all this Time their Miſtake by ſome real Demonſtrations to the contrary? If ſuch a *Capricio* ſhould ſway with your Highneſs, what were it but to render you the *worſt Subject*, the moſt *unkind Brother*, the moſt *impolitick Prince*, and the *maddeſt*, or moſt *monſtrous Man* in the World?

I ſhall therefore take it for granted, and conſequently muſt, tho' with all Humility, and a Sorrow inexpreſſible, direct my Diſcourſe to your Highneſs as *an Apoſtate* from the Proteſtant Faith; and if I am miſtaken, 'tis your Highneſs has led *not only me*, but almoſt all the World into that Error.

I am not inſenſible of my own Weakneſs, and how unfit I am to argue Matters of Religion with your Highneſs, and thoſe ſubtil *Sophiſters* (the Peſt of *Europe*, and Shame of Chriſtianity) which are always *croaking* about Perſons of Quality, whom they have perverted to their Idolatries; being my ſelf but a *Lay-Gentleman*, of little *Learning*, and in the Courſe of my Life more Converſant with the *Sword* than the *Pen*: And I muſt wonder with regret, if none of the *Right Right Reverend Fathers*, my Lords the *Biſhops*, or ſome of our other *Learned Divines* have not vigorouſly made Applications to your *Highneſs*, even in a Publick Manner, to regain you to the *Proteſtant Communion*: If they have not charg'd you, as they are *God's Ambaſſadors*, to ſhew ſome Reaſons, why you have broke the League (your Baptiſmal-vows) with his Church, and join'd your ſelf to the Tenets of his *Enemies*: If they have not adjured you in the Name of our Lord, to ſhew on what *Offence* taken amongſt *us*, and for what *Beauties* obſerv'd in the Church of *Rome*, you quitted the true *Spouſe of Chriſt*, to follow the Enchantments of a *Strumpet*, whoſe ſhameleſs Adulteries have long ſince cauſed an utter Divorce between her and the bleſſed Jeſus: If they have not ſolemnly called *Heaven and Earth* to record, that they are ready to ſatisfy all your *Scruples*, to anſwer all *your Objections*; and to ſhew, that it is not through any Default in them, for want of *Endeavours*, nor in our Church for want of *Truth*; but that your Defection muſt be *wilful*, as well as *unreaſonable* whereby to render you either *convicted*, or *inexcuſable*.

Nor do I doubt, but ſeveral of thoſe *Glorious Lights* of our Church, may accordingly have diſcharg'd without *Fear* or *Flattery*, their Functions herein, in *private* Diſcourſes: But certainly a Matter of that ineſtimable Importance, as wherein not only the *Soul* of one of the *Braveſt Princes* of the Earth, but alſo the whole *Proteſtant Intereſt* in the World, eſpecially within theſe Three Nations, is ſo deeply and dangerouſly concern'd, might require, ſince I am ſure it *deſerves a publick* and *general* Application: Nor ought any, though the meaneſt of men, to be blam'd for contributing modeſtly, his *help* to prevent a Diſaſter of ſuch *univerſal Influence*: And therefore who knows but that Almighty Providence, who overthrew *Jericho*'s proud Walls of old, not with *Battering* Engines of War, but with the Blaſt of contemptible *Rams-Horns*, and is often pleaſed to make uſe of the *weakeſt* Inſtruments to effect mighty

Works; may give a Bleſſing to theſe poor, unpoliſh'd, inartificial Lines, which have nothing but the Power of *Truth*, and the Honeſty of a ſincere Intention to recommend them to your Princely Conſideration?

That you were educated in Proteſtant Principles, is notorious. I beſeech your Highneſs therefore to ſatisfy the World what could induce you to a change. I ſhall not mention your royal Grandfather, whoſe Learned Pen baffled all the Conclave; nor ſhall I inſiſt on that Curſe which he ſolemnly pronounced on any of his Poſterity that ſhould turn *Papiſts:* I ſhall only ſay, Had you not the Example, and the Commands too of a moſt indulgent, pious Prince, your royal Father, for Perſeverance therein; who, though barbarouſly murder'd by vile Men, yet continued ſtedfaſt, and even with his laſt Breath diſcharg'd and clear'd the Doctrine of the Reformed Religion from having any Share in their Crimes? What Impiety is it, if you ſhould dare to profeſs *your Fathers bleſſed Soul to be eternally damn'd!* and yet, if you are a Papiſt, you can do no leſs; for you cannot be ſuch without believing, that there is no Salvation out of the Pale of the Church, and that there is no Church but that of *Rome*; and I am confident none can have the Impudence to ſuggeſt, that He died in the Communion of that Church: What follows then? or how will you anſwer this horrid Scandal on his ſacred Memory, when you ſhall meet his glorified Spirit at the laſt dreadful Judgment-day? Nor can the keeneſt Jeſuit blunt the Edge of this Argument by a Retortion from the Conſideration of your Highneſs's illuſtrious Mother: for though Papiſts are ſo audacious as to place the Keys of Heaven at the Pope's Girdle, and uncharitably doom us all to unquenchable Flames, not affording us ſo much as a Room in Purgatory: yet Proteſtants are not ſo unchriſtian, but (according to Scripture) leave ſecret Things to God, and allow Grains for Education, Prepoſſeſſions, Ignorance, *&c.* which is yet no more Reaſon for any Man to turn Papiſt, than 'tis for him that ſtands ſafe on the Shore to leap off into a Veſſel ſo rotten and leaky, as juſt ready to ſink, upon a Preſumption that ſtill ſome of thoſe that are in her, may eſcape the Danger: Or to chuſe an impudent Quack, who boaſts he *only* can cure him, and refuſe a learned Phyſician, who modeſtly grants he may peradventure be healed by the other, though very improbably; but withall, that 'tis a Million to one but the Patient, under ſuch hands, miſcarries; and that in this Caſe eternally.

But quitting this Argument, which is only perſonal, I beſeech your Highneſs to tell us, how you, or any Man of Senſe can ſo far forget, not only his Education and Intereſt, but his very Reaſon, as to embrace POPERY, frightful, deteſtable, ridiculous *Popery*, that Chaos of Superſtition, Idolatry, Error and Impoſture, that has no Foundation but a Cheat; no Ends but to gratify Pride and Avarice; no ſolid Argument to promote and maintain it, but Impudence and Cruelty.

Popery, that depends wholly upon nice and poor Uncertainties, and unprovable Suppoſals: As 1*ſt*, That *Peter* was Biſhop of *Rome*. 2*dly*, That He left there one to be Heir of his Graces and Spirit, in a perpetual unfailable Succeſſion. 3*dly*, That he ſo bequeathed his Infallibility to his Chair, as that whoſoever ſits in it, cannot but ſpeak Truth; ſo that all who ſit where he ſat, muſt by ſome ſecret Inſtinct, ſay as he taught; that what Chriſt

Christ said to him absolutely, without any respect to *Rome*, must be referr'd, yea ty'd to that place alone, and fulfill'd in it. 4*thly*, That *Linus*, *Clemens* and *Cletus*, the Scholars, and supposed Successors of *Peter*, must be preferr'd (in the Headship of the Church) to *John* the beloved Apostle, then still living. 5*thly*, That he whose life is oft times monstrously debauch'd, his Judgment childishly ignorant, cannot yet, when in his Pontifical Chair, possibly err. 6*thly*, That the Golden Line of this Apostolical Succession, in the Confusion of so many long desperat Schisms, shamefully corrupt Usurpations and Intrusions, and confess'd Heresies, yet neither was nor can be broken.

Popery, That teaches Men to worship Stocks and Stones, and Painted Clouts, with the same Honour as is due to our Creator; and lest that Practice should appear to her simple Clients too palpably opposite to God's Law, most sacrilegiously stifles one of the Ten Commandments in their vulgar Catechisms and Prayer-books.

Popery, That utterly confounds the true Humanity of Christ, while they give unto it Ten Thousand Places at once, and yet no Place; Flesh, and no Flesh; several Members without Distinction; a Substance without Quantity, and other Accidents; or Substance and Accidents that cannot be seen, felt, or perceived; so that they make a Monster of their Saviour, or nothing.

Popery, That utterly overthrows the Perfection of Christ's Satisfaction; for if all be not paid, how hath he satisfied? If temporal punishments in Purgatory be not yet due, how is all paid? And if these must be paid by us, how are they satisfied by him?

Popery, That hath made more Scriptures than ever the Holy Spirit dictated, or the Ancient Church received; and those which it doth make, imperiously obtrudes upon the World; and while it thunders out Curses against all that will not add these Books to God's, seems to defy the Curse pronounc'd by God himself to those that add unto his Word, *Rev.* 22. 18.

Popery, that erects a Throne in the Conscience to a meer Man, and many times rather a Monster than a Man, and gives him absolute Power to make a Sin of that which is none and to dispense with that which is; to create new Articles of Faith, and to impose them upon Necessity of Salvation; to make wicked Men Saints, and Saints Gods; for even by the Confession of Papists, lewd and undeserving Men have leapt into their Calendar; yet being once installd there, they have the Honour of Altars, Temples and Invocations; some of them in a stile fit only for their Maker.

Popery, That robs the Heart of all sound Comfort, whilst it teacheth us that we neither can, nor ought to be assured of the Remission of our Sins, and of present Grace, and future Salvation; that we can never know whether we have received the true Sacraments of God, because we cannot know the Intention of the Minister, without which they are no Sacraments.

Popery, that racks the Conscience with the needless Torture of a necessary Shrift, wherein the Vertue of an Absolution depends on the Fulness of Confession; and that upon Examination; and the Sufficiency of Examination is so full of Scruples (besides infinite Cases of unresolved Doubts in this feigned Pennance) that the poor Soul never knows when it is clear.

Popery,

Popery, That under Pretence of Religion plays the Bawd to ſin, whilſt both in Practice, it tolerates open *Stews*, and prefers Fornication, in ſome Caſes before honourable Matrimony, and gently blanches over wilful Violations of God's Law with the favourable Title of *Venial Crimes*.

Popery, That makes Nature vainly proud, in joining her as Copartner with God in our Juſtification, Salvation, and idly puffing her up with a Conceit of her Perfection and Ability to keep more Laws than God hath made, whence their Doctrines of Merit and Supererogation, *&c.*

Popery that requires no other Faith to Juſtification in Chriſtians, than may be found in Devils themſelves; who, beſides a confuſed Apprehenſion, can aſſent to the Truth of God's revealed Will, and Popery requires no more.

Popery, That inſtead of the pure Milk of the Goſpel, hath long fed her ſtarved Souls with ſuch idle Legends, as the Reporter can hardly deliver without Laughter, nor their Abettors be told of without Shame and Diſclamation; ſo that the wiſer Sort of the World read theſe Stories on Winter-Evenings for Sport, which the poor credulous Multitude hear in their Churches with devout Aſtoniſhment.

Popery, That requires nothing but mere Formality in our Devotion; the Work wrought ſuffices alone in Sacraments, and in Prayers; if the Number be repeated by rote, no matter for the Affection; as if God regarded not the Heart, but the Tongue and Hands; and while he underſtands us, cared little whether we underſtand ourſelves.

Popery, That hath been often dyed in the Blood of Princes, that in ſome Caſes teaches and allows Rebellion againſt God's Anointed; and both ſuborneth Treaſons, and excuſes, pities, honours and rewards the Actors.

Popery, That overloads Men's Conſciences with heavy Burdens of infinite, unneceſſary Traditions, far more than ever *Moſes* commented upon by all the *Jewiſh Rabbins*; impoſing them with no leſs Authority, and exacting them with more Rigour, than any of the Royal Laws of their Maker.

Popery, That cozens the vulgar with nothing but Shadows of Holineſs in Pilgrimages, Proceſſions, Offerings, Holy-Water, Latin Services, Images, Tapers, Rich Veſtures, Garniſhed Altars, Croſſes, Cenſings, and a thouſand ſuch like, fit for Children and Fools, robbing them in the mean time of the ſound and plain Helps of true Piety and Salvation.

Popery, That cares not by what wilful Falſhoods, Equivocations, Perjuries and Abominations, it propagates itſelf, and maintains its credit: And therefore being conſcious of her own Villanies, goes about to falſify and deprave Authors that might give Evidence againſt her, to outface all ancient Truths, to foiſt in *Gibionitiſh* Witneſſes of their own forging, and leaves nothing unattempted againſt Heaven and Earth that might advance her Faction, and diſable her innocent and juſt Accuſers.

This, this is the true Figure of Popery, through whatever falſe Opticks your Highneſs may have view'd it; This is that for which you are reſolved to hazard a Crown of Glory, and three Temporal Diadems to boot; and to which you ſacrifice both your own Fortunes, and the Tranquility of many Millions of Souls.

What

What then can the World, that knows the clear Light of your Highneſs's elevated Underſtanding, imagine can be the Cauſe of your Revolt? Will they not be apt to conceive, that you have not eſpouſed this Mock-Religion purely for its own ſake, but for ſome promiſed Dowry of an abſolute Monarchy, or arbitrary Power, which ſhe might pretend to bring one day with her to your Embraces? But as this is far below the Juſtice and Generoſity of your Highneſs, ſo 'tis unworthy the Thoughts of any conſiderate Politician. For ſuppoſe any Prince, to whom the *Britiſh* Sceptre may hereafter devolve, intoxicated with the Tinſel-Glories of the *French* Monarch's bluſtering Grandeur, ſhould be ſo vain, as to hope to ſubjugate the *Engliſh* Liberties, and deſtroy the Conſtitution of the beſt eſtabliſhed Government on Earth, by aſſuming to himſelf the whole legiſlative Power, raiſing Money, and draining his Subjects at pleaſure, without their common Conſent in Parliament, *&c.* and ſhould be ſo extravagantly enamoured on this fatal Project, (fatal I ſay, becauſe for above five hundred Years it has ſhipwrecked all that coaſted that Way) as to be content to ſhift his Religion, and exchange his Faith, and turn Papiſt, on a Preſumption, that the ſame might facilitate and accompliſh his Enterprize: As King *John*, 'tis ſaid, reſolved once to embrace *Mahometiſm*, rather than not to be revenged of his Barons, claiming their juſt Liberties: Suppoſe, I ſay, all this ſhould be, and that the preſent *Papiſts*, to get their Religion publickly eſtabliſhed, ſhould *comply* with his Deſigns; yet ſtill is it not moſt reaſonable to believe, that having once gained their Point therein, they, or their *Poſterity*, will ſoon recall to mind their Birth-rights and Privileges due to them as *Engliſhmen*; and will they not then be perpetually *tugging* and *ſtruggling* to regain them? whence continual Diſturbance will enſue, and a *ſtanding Army* muſt be kept on foot, to ſupport this ill-acquired Grandeur. For theſe Subjects that contended with King *John* and King *Henry* the Third, *&c.* though they were Papiſts, and of the ſame Religion with thoſe Princes, could not brook it, to be Slaves to their *arbitrary Pleaſures* in their Civil Rights. Beſides, what a *waking Dream* is it for any King, that is free from the *Roman Yoak*, to think to make himſelf more abſolute, by involving himſelf and his Kingdoms in Thraldom to the Church of *Rome*; wherein not only *the Pope* pretends a Right to domineer over him, but *every Eccleſiaſtic* eſteems himſelf wholly exempt from his Juriſdiction, and all his People will be but *half his Subjects*, *viz.* in Temporals; for in Spirituals, and *in ordine ad ſpiritualia*, (a monſtrous *Draw-Net*, that may include almoſt all the Actions of human Life) they are wholly to be conducted by his Holineſs and his ſubordinate Miniſters. How therefore can your Highneſs, if a *Roman* Catholic, complain of the late ſucceſſive *Houſes of Commons* for preſſing a Bill to exclude you? Is it any Diſloyalty to endeavour to preſerve the *Imperial Crown* of *England* from a truckling and ſhameful Servitude to a foreign Uſurper's Power? Or is it any ſuch unheard-of thing to debar a Prince from a Throne, that hath obſtinately *diſabl* himſelf? Certainly, above all Men, the *Roman* Catholics ought not to murmur at this; for did not the Pope iſſue forth a *Bull* to exclude

clude *your Grandfather* King *James*, unleſs he would turn Papiſt? And did not the *Romaniſts*, though they acknowledged the Title of your other *Grandfather*, *Henry the Great*, to the *French* Diadem; yet refuſe to pay him any Obedience, becauſe a *Proteſtant*, and on that only ſcore fought againſt him, as long as he continued ſo, and thought it no *Rebellion?* Your Highneſs perhaps will ſay———What though they did ſo, true Proteſtants, and the *Church of England* do not own ſuch Principles. Well then, if the Proteſtant Principles be *better* than thoſe of the Church of *Rome*, what Madneſs is it in your Highneſs to abandon the firſt, and chuſe the latter?

I am a dutiful and hearty Lover of *Monarchy*, and when eſtabliſhed on ſuch an *equi-poiz'd Baſis* of Wiſdom as ours is, ſhall ever aſſert it to be the beſt Form of Government in the World, and moſt agreeable to the Genius of *Engliſhmen:* But that *lineal Deſcent* is ſo ſacred a thing, that the Heir Preſumptive can for no *Default* or *Crime* whatſoever be debarred from the Crown by an *Act* of Parliament, or publick Decree of State, I do not underſtand; for I am ſure the Practice in *all Ages*, both at home and abroad, in almoſt every Nation in the Earth, hath run contrary: And as to Right, thoſe that pretend ſuch Succeſſion in all Places to be *Jure Divino*, would do well to ſhew in what Texts of Scripture the ſame is preſcribed; till then, they do but *talk*, not *argue*; and if a Candidate to the Crown, for *any Reaſons* whatſoever, may, without Offence to the Law of God or Nature, be excluded by an Act of King, Lords and Commons; then the *Jure-divino*-ſhip vaniſhes, and nothing is left to be conſidered: But whether ſuch next Heir have done *ſuch Acts*, or is ſo qualified, that in Prudence it be neceſſary for the Tranquility of the Public to exclude him. Now I believe there are but few of the Church of *England*, but if the Bill had paſſed the *Lords*, and his Majeſty had given his *Royal Aſſent* to it, would have acquieſced therein, and conſequently they do not believe the Excluſion to be ſimply unlawful by the Law of God or Nature; for againſt either of them no *human Ordinances* ought to prevail.

But all true Loyaliſts do not deſpair, but your Highneſs may yet prevent all Occaſions of ſuch Diſputes, by opening your Eyes; or rather that *God* (in whoſe *Hands are the Hearts of Princes*) may irradiate your royal Underſtanding, and let you ſee the horrid *Blackneſs* of thoſe Men who have endeavoured to ſeduce you, and of thoſe *Principles* to which they would have inveigled you, on purpoſe to have made your Highneſs a *Property* to their *Ambition* and *Avarice*, and that under the Shadow of your illuſtrious Name they might one day *tyrannize* at pleaſure over theſe three Kingdoms.

If Heaven ſhall be pleaſed to work ſuch an happy *Inclination* in your Highneſs, you ſhall preſently ſee the whole *Britiſh Empire* echoing with Praiſes and *Acclamations*, and inſtead of Murmurs of *Seclusion*, every good Subject ſhall erect you a *Throne* in his Heart.

But the grand Difficulty will be to ſatisfy the prejudiced World of your *Sincerity* herein; for if your Highneſs (which God forbid) ſhould declare yourſelf a Proteſtant only to ſerve a preſent *Turn*, and uſe the ſacred Name of *our Religion* but as an Engine to advance the Deſign of our *bloody Enemies*, you would

would act at once the most dishonourably and (in the end) most *prejudicially* to your own Interest, in the World, and must certainly expect the *Blasts* of Heaven, and *Curses* of Earth on all your future Proceedings; for *Hypocrisy* is odious to God and Man; nor is there any Monster so abominable to serious Men of both sides, as a *Church-Papist*.

Your Royal Highness, I hope, will excuse our *Fears*; for we are not ignorant of the Arts and Craft of *Rome*, that she esteems *no Means unlawful* to obtain her *Ends*. How shall any *Oaths* be sufficient Tests, when a private *Dispensation* may at once allow the *taking*, and warrant the *breaking* of them? Or what signifies the Participations of our *Sacraments* to one that is taught, We have no true *Ministers* of Christ; if so, no *Consecration*, consequently nothing but an *ordinary Breakfast* of common *Bread and Wine:* And who shall lose the Hopes of three Crowns, rather than not taste such harmless *Viands?* Not that I dare imagine your Highness's Understanding would suffer you to believe the *Lawfulness*, or your *Princely Generosity* permit you to practise these lewd *Dissimulations*; yet since *such Doctrines* are daily taught in the *Roman* Church, how shall Protestants be assured they have no Influence on your Conduct? I must therefore, with all humble Freedom, assure your Highness, that after so general an Opinion of your Highness's having been a *Roman* Catholick, though you should go never so duly to Church, receive the Sacrament a *thousand times*, and take *Oaths* all the way from from *Holy-Rood* House to *St. James's*, yet the People would scarce *believe* the Reality of your Conversion, unless withal they see it accompanied with some other *Demonstrations*. For as *Faith* without Works is dead, so Profession of a Religion, without agreeable Endeavours to advance it, will be vain. If his Royal Highness, will the People say, be a *good Protestant*, he will undoubtedly discourage *all Papists*, the sworn inveterate Enemies of our Religion, he will not suffer a Popish Priest to approach his Person or Palace. If he *have had* any Intimation of any ill Designs, if any have been tampering to reconcile him to Popery, (which is no less than *Treason*) he will presently detect those *mischievous Instruments*, that they may be brought to condign Punishment, and applaud the *Justice* that has been done on *Coleman*, the five Jesuits, *Godfrey*'s Murderers, *&c.* thereby stopping the Mouths of the Brazen Tribe, who would make the World believe they died *innocently*. He will declare against all *arbitrary Designs*, detest those who by *sneaking Flatteries* would unking the ancient and most wise Constitution of our Government. He will heartily recommend *Parliaments* to his *Sacred Brother*, as the wisest and *safest* Councils, and even *thank* the late *Houses of Commons* for their *Zeal* against him, while they apprehended him as an *Enemy* to his King, and the Religion and Safety of the Kingdom. He will vigorously, by his Counsels and Interests, oppose the growing Greatness of the *French*, which, at this day, threatens all *Europe* with *Chains*; and immediately tends not only to the Decay of *Great Britain*'s Trade and Glory, but also to the Diminution, *Oppression*, and (if it lay in human Power) utter *Subversion* of the *Reformed Religion* throughout the World.

Theſe and the like *noble Fruits* will the People not unreaſonably expect from your Royal Highneſs, whenever you pleaſe to declare yourſelf a Proteſtant; which that you may ſpeedily do, not politickly or *ſuperficially*, but with that *Sincerity* as ſo ſerious a Matter (of infinite more *Value* than the three Crowns you are Preſumptive Heir to) is the *Prayer* of all good Men, and particularly of your *Royal Highneſs's*

Moſt humble and faithful Servant,

Philanax Verax.

Lord Viſcount *Wentworth* to the Earl of *Doncaſter.*

[*The Subject of this Letter is explained by a Paſſage in* Ruſhworth, Vol. II. p. 215. &c. *being an Information in the* Star-Chamber *againſt Sir* David Fowlis, *Sir* Thomas Layton, *and* Henry Fowlis *Eſq; for oppoſing the levying of Money by Way of Fines or Compoſitions, for not attending the Coronation, to take the Order of Knighthood. Sir* Thomas Layton *was acquitted. The other Gentlemen were committed to the* Fleet, *and fined, Sir* David *Five thouſand Pounds, Mr.* Fowlis *Five hundred Pounds. His Son, Mr.* Bellanſis, *was committed to the* Gatehouſe, *for refuſing to ſign a Submiſſion for wearing his Hat before the ſaid* Wentworth *in the Council-Chamber at* York. *See* Ruſhworth, Vol. II. p. 80.]

My very good Lord,

AS for many your other fauours, ſoe am I infinitly much bounde vnto you for the honoure of your Lines, ſoe multiplied, and with ſoe highe a Hand, as I haue with one hold receaued three of them from you, thus diſtant, and thus little able to ſerue you, anſwearable to ther meritt.

I muſt euer acknowledge with all poſſible comfortt his Majeſtyes goodneſſe towards me in this matter betwixt Sir *Dauid Fowlis* and me, and humbly thanke your Lordſhip for the particular and authentike relation I haue therof from you; which well weigning with my ſelf I haue been bold to write the incloſed to his Majeſtye which will be much graced, if you be pleaſed to preſent itt with my humble ſeruice to his Majeſty.

Nor

Nor ſhould I have troubled your Lordſhip hearin, but that vou are pleaſed to take ſum ſmall notice of the man; therefore I beſeech your Lordſhip let me detain you a while with a ſhort accompte of this buſineſs, and eſpecially what hath paſſe heare ſince the gentleman's cumming from *London*.

Sir *Dauide Fowlis*, a perſon rayſed by the fauoure and bounty of the crowne to a faire and plentifull fortune, and one I had upon all occaſions given the beſt reſpect vnto I could, as promiſing myſelf helpe and aſſiſtance from him in his Majeſties ſervice; it ſeemed to me maruelouſe ſtrange, to heare how ill and mutinouſly affected he was to his Majeſties rights and gouernment, ſoe as taking the reportte either to be miſtaken, or to be grounded upon ſum perſonall mallice I gave noe greate beleefe or regarde thervnto; vntill this late rioute of his brake forth with ſuch violence and virulence, as might not with my duty be longer ſilenced. The particulares would growe tediouſe, but in the worde of truthe, I take them to be as highly criminall, being only ciuill, as may be, nor ſhall I need to ſay more for the preſent, ſauing; that he was as inſolent after he underſtoode the whole matter was knowen unto me; as maliciouſe and maleuolentt before; albeit I confeſſe you haue ſent him me doune humbled with a witneſſe, a thing ordinary indeed with thos meane natures to becum as low under the cudgill, as petulentt, where they finde themſelues upon the aduantadge grounde.

The manner of his appearing and intertainment heare was thus; the Counſell and myſelf ſett upon the Commiſſion for Recuſantts, my ſecretary cam to me and tells me Sir *Dauide Fowlis* was without, deſirouſe to ſpeake with me; which in good faithe at firſt I could not beleeue, but being confermed it was ſoe, I ſent to knowe wheather it was any thing concerning his Majeſty's ſeruice, or only concerning myſelf; if the former I was ready to ſpeake with him; if the latter I deſired to be excuſed. His anſweare was, it was both. So I cauſed him to be brought inn, and being called to the borde wee ſaluted him, and deſired him to ſitt doune at the borde, as being one of the kings Counſell; he cam vp to me wheare I ſat, and gaue me a very low ſalute; I told him the borde was the kings, that he was very wellcum and might ſett doune.

Sir. *William Ellis* letting him knowe we vnderſtood he had ſumthing to acquaint vs concerning the kings ſeruice, wiſhed him to relate what he had to ſay.

Sir *Dauide* then profeſſed he had nothing of that nature to impartte unto us, and that he only cam to ſpeak to me in ſum things touching our owne Priuats.

Then I told him I was gladde when I hearde he had any thing to offer for the ſeruice of our Maiſter, as that which he had neuer ſeemed to looke after ſince I had the honoure to ſerue in this place, albeit I had expected and promiſed myſelf as much from him in that nature as from any other: but ſeeing that it now all terminated in particulares of our owne, the king's borde was noe fitt place for thos diſcourſes; Therefore I deſired him to excuſe me, the matters betwixt him and me being of ſuch a condition as ſhould not be hearde betwixt vs privately in a chamber, but muſt paſſefie

file of his Majeſty's Courts of Juſtice ; and ſoe riſſe, went my way and left them.

This I have been more induced to relate preciſely to your Lordſhippe, in regarde the condition of the man, is to miſtake others as much as himſelf, and to ſpeak with that confidence as if he himſelf beleeued he ſpake the truthe, and that whateuer the reportt be he ſhall make, that this is ſquarly and really the truthe.

My Lord, you beſt knowe how much the regall power is becummed infirme by the eaſy way ſuch have founde who with roughe hands have laid hold upon the flowers of itt, and with vnequall and ſtaggering paces haue trampled upon the rights of the crownne, and how neceſſary examples are, (as well for the ſubject, as the ſoveraigne) to retaine licentiouſe ſpiritts within the ſober bounds of humility and feare. And ſurely if in any other, then in the caſe of this man, who hath the moſt wantonly, the moſt diſdainfully demeaned himſelf towards his Majeſty and his Miniſters that is poſſible, ſoe as if he doe not taſte of the rodde itt will be impoſſible to haue his Majeſties Counſell heare to be obeyed, and ſhould I ſay leſſe, we are but to betray the truſt my maiſter hath honoured me with. I heare he cries out of Oppreſſion, ſoe did my Lord *Fauconberge* too, your Lordſhip hearde with what reaſon or truth : believe me ; this man hath more witt, but his cauſe is ſo much worſe, as he hath notwithſtanding leſſe to ſay for himſelf : in this never the leſſe they are tied by the Tails together, that both of them dared to ſtrike the Crowne upon my ſhoulders, without being at all concerned in my owne intereſt, or hauing any other partte to playe then ſuch as innocenſe and patience, ſhall ſuggeſt unto me. And truly give me leaue to aſſeure your Lordſhip, I haue much reaſon to carry my eyes along with me whear euer I goe, and to expect my actions from the higheſt to the loweſt, ſhall all be caſt into the ballance, and tried wheather heauye or lighte. Content in the name of God, lett them take me vp and caſt me downe, if I doe not fall ſquare, and (to uſe a Word of Artte) paragon, in euery pointe of my duty to my maiſter, nay, if I doe not fully complie with that publick and common Protection, which good kings afforde ther good people, let me periſhe, and let noe man pitty me. In the meanetime none of thes clamours or other apprehenſions ſhall ſhake me, or cauſe me to decline my maiſters honoure and ſeruice, therby to pleaſe or ſoothe ther populare frantike humoures, and if I miſcarry this way, I ſhall not, euen then, be founde, either ſo indulgent to myſelf, or ſo narrowly hearted towards my maiſter, as to thinke myſelf too good to die for him. *El deue baſtar.*

I confeſs indeed, Sir *Dauide* ſhewed himſelf a wiſe man in applying himſelf to your Lordſhip as a mediator for him with me, being a noble freinde who, I am ambitiouſe the world ſhould ſee hath power as great and abſolute, as with any other ſeruant you haue ; and myſelf, as little will to denie any thing you ſhall moue me vnto, as is poſſible ; and therefore am I much bounde to your tender reſpect, that are pleaſed only to mention a reconciliation, rather as a relation of what he would have, then as an inuention of your owne, for which I humbly thanke you ; for in truth you had then p' t me too a greate

ſtrait,

ſtrait, betwixt my will to obey you, and my care of the king's ſervice and this Gouernmentt, which I expectt to finde now in the time of my abſence, much ſhaken, or much confermed, by the hande men ſhall obſerve to be held with this Gentleman in the proſecution of this cauſe, which I purpoſe to begin with him in that courtt, itt ſeems (and with good reaſon,) he moſt feares hauing three weekes ſinc taken a ſuppena forth againſt him. Only this I will proteſt to your Lordſhip in the wordes of truthe, I haue been hethertoo knowen to this gentleman only by curteſyes; that I bear noe mallice to his perſon, or at all conſider my owne intereſts in this proceeding, (which in truth are none at all) but ſimply the honoure and ſervice of his Majeſtie, and the ſeaſonable correcting an humoure and libertye) I find raigne in thes partts, of obſerving a ſuperiour commande noe farther then they like themſelves, and of queſtioning any profitt of the Crowne, called vpon by his Majeſty's miniſters, which might inable itt, to ſubſiſte of itſelf, without being neceſſitated to accepte of ſuch conditions, as others might vainly thinke to impoſe upon itt. 'Tis true this way is diſpleaſing for the preſentt, layes me open to calumnye and hatred, cauſeth me by ſum ill diſpoſed people, to be it may be ill reported; whereas the contrary would make me paſs ſmothe, and ſtill along without noyſe; but I have not ſoe learnte my maiſter, nor am I ſoe indulgent to my owne eaſe, as to ſee his affaires ſuffer ſhipwracke whilſt I myſelf reſt ſecure in harboure, noe lett the tempeſt be neuer ſo greate, I will much rather putt forth to ſea, work forth the ſtorms, or at leaſte be founde deade with the Rudder in my handes. And all that I ſhall deſire is that his Majeſty and my other friends ſhould narrowly obſerve me; and ſee if euer I queſtion any man in my owne Intereſts, but whear they are only interlaced as acceſſory to his majeſty's ſeruice, and the iuſt aſpectte towards the publicke and duty of my place, ſett before them as principalls.

But alas my Lord, I weary you extremely which you will pleaſe to pardon, being entered a diſcourſe vpon a ſubiette which I attend next the ſauing of a ſoule, more than all the world beſides, and ſhould I leſſe take it to hartte, I wear of all others the moſt unthankfull wretche to ſo graciouſe a maiſter. Craving then your pardon for detaining you thus long, I will redeem my faulte with as much ſpeed as I may, I giuing you this vnfained teſtimony and aſſeurance of my being

York, 24 *Septemb.* 1632.

Your Lordſhip's
moſt humble, and
moſt faithfull ſeruant,

WENTWORTH.

Out of the Collection of Sir Francis Eyles Haſkin Styles, *Bart.*

By way of Obſervation upon the whole of the foregoing Letter, the Reader may conſult the firſt Volume of *Ruſhworth*, where he will ſee what a Figure this noble Lord made at the Head of the Patriots, *tertio Caroli*. Now *quantum mutatus ab illo?* Yet *Solomon*'s Saying is true, *There is nothing new under the Sun.*

THE

The ARTICLES recommended by the Archbiſhop of *Canterbury* to all the *Biſhops* within his *Metropolitan Juriſdiction*, the 16th of *July*, 1688.

[*As Dr.* Sherlock *undertook for the Church at this Time, it muſt be ſuppoſed that theſe* Articles, *and the* Propoſals *which follow them, were conveyed to the Preſs through his Hands: As to the former, they ſerve principally to ſhew the Temper of our Lords the Prelates at this Juncture: and as to the latter, they deſerve a Place in this Collection on many accounts, which need not be enumerated; but more eſpecially, becauſe Biſhop* Burnet *aſſerts in the Hiſtory of his* Own Times, Vol. I. p. 784. *that when their Lordſhips waited on the King, his Majeſty preſſed them to declare their* Abhorrence *of the Prince of* Orange's *Invaſion, and that they declined it; whereas Dr.* Sherlock, *in his Introduction, does not ſo much as glance at any ſuch Circumſtance.*]

SIR,

YEſterday *the* Archbiſhop *of* Canterbury *delivered the* Articles *which I ſend you incloſed, to thoſe* Biſhops *who are at preſent in this Place; and ordered* Copies *of them to be likewiſe ſent in his Name to the abſent* Biſhops. *By the Contents of them you will ſee, that the Storm in which he is, does not frighten him from doing his Duty; but rather awakens him to do it with ſo much the more Vigour: and indeed, the* Zeal *that he expreſſes in theſe* Articles, *both againſt the* Corruptions *of the* Church *of* Rome *on the one hand, and the unhappy* Differences *that are among* Proteſtants *on the other, are ſuch Apoſtolicol Things, that all good Men rejoice to ſee ſo great a* Prelate *at the Head of our* Church, *who, in this Critical Time, has had the Courage to do his Duty in ſo ſignal a manner. I am,*

SIR,

London, July 27, 1688.

Yours.

Some Heads of Things to be more fully inſiſted upon by the Biſhops *in their Addreſſes to the* Clergy *and* People *of their reſpective Dioceſſes.*

I. THAT the *Clergy* often read over the *Forms* of their *Ordination*; and ſeriouſly conſider, what ſolemn Vows and Profeſſions they made therein to God and his Church, together with the ſeveral *Oaths* and *Subſcriptions* they have taken, and made upon divers Occaſions.

II. Tha

II. That in compliance with thoſe and other *Obligations*, they be active and zealous in all the Parts and Inſtances of their *Duty*, and eſpecially ſtrict and exact in all holy Converſation, that ſo they may become Examples to the Flock.

III. To this end, that they be conſtantly *Reſident* upon their *Cures* in their Incumbent Houſes; and keep ſober Hoſpitality there, according to their Ability.

IV. That they diligently *catechiſe* the Children and Youth of their Pariſhes, (as the *Rubrick* of the *Common-Prayer Book*, and the 59th *Canon* injoin, and ſo prepare them to be brought in due time to *Confirmation*, when there ſhall be Opportunity; and that they alſo, at the ſame time, expound the Grounds of *Religion*, and the common *Chriſtianity*, in the Method of the *Catechiſm*, for the Inſtruction and Benefit of the whole Pariſh, teaching them what they are to believe, and what to do, and what to pray for; and particularly often and earneſtly inculcating upon the Importance and Obligation of their Baptiſmal Vows.

V. That they perform the daily *Office* publickly (with all Decency, Affection and Gravity) in all *Market* and other great *Towns*, and even in *Villages*, and leſs populous *Places*, bring People ſo *public Prayers* as frequently as may be; eſpecially on ſuch Days, and at ſuch Times, as the *Rubric* and *Canons* appointed on *Holy Days*, and their *Eves*, on *Ember* and *Rogation Days*, on *Wedneſdays* and *Fridays* in each Week, and eſpecially in *Advent* and *Lent*.

VI. That they uſe their utmoſt Endeavour, both in their *Sermons*, and by *private Applications*, to prevail with ſuch of their Flock as are of competent Age, to receive frequently the *Holy Communion*: And to this end, that they adminiſter it in the greater Towns once in every Month, and even in the leſſer too, if *Communicants* may be procured, or however as often as they may: and that they take all due Care, both by preaching and otherwiſe, to prepare all for the worthy receiving of it.

VII. That in their *Sermons* they teach and inform their People (four times a Year at the leaſt, as what the *Canons* require) that all *uſurped* and *foreign* Juriſdiction is for moſt juſt Cauſes taken away and aboliſhed in this *Realm*, and no manner of Obedience or Subjection due to the ſame, or to any that pretend to act by virtue of it: but that the King's Power being in his Dominions higheſt under God, they upon all Occaſions perſuade the People to *Loyalty* and *Obedience* to his *Majeſty* in all things *lawful*, and to patient Submiſſion in the reſt; promoting (as far as in them lies) the public Peace and Quiet of the World.

VIII. That they maintain fair Correſpondence (full of the kindeſt Reſpects of all ſorts) with the *Gentry* and *Perſons* of *Quality* in their Neighbourhood, as being deeply ſenſible what reaſonable Aſſiſtance and Countenance this poor *Church* hath received from them in her Neceſſities.

IX. That they often exhort all thoſe of our Communion, to continue ſtedfaſt to the End in their moſt Holy Faith, and conſtant to their Profeſſion; and to that end, to take heed of all Seducers, and eſpecially of *Popiſh Emiſſaries*, who are now in great Numbers gone forth amongſt them, and more

busy and active than ever. And that that they take alll Occasions to convince our own Flock, that it is not enough for them to be Members of an *Excellent Church*, rightly and duly Reformed, both in Faith and Worship, unless they do also reform and amend their own Lives, and so order their Conversation in all Things as becomes the Gospel of Christ.

X. And forasmuch as those *Romish Emissaries*, like the old Serpent, *Insidiantur Calcaneo*, are wont to be most busy and troublesome to our People at the End of their Lives, labouring to unsettle and perplex them in time of Sickness, and at the Hour of Death; that therefore all, who have the Cure of Souls, be more especially vigilant over them at that dangerous Season; and that they stay not till they be sent for, but inquire out the Sick in their respective Parishes, and visit them frequently: that they examine them particularly concerning the State of their Souls, and instruct them in their Duties, and settle them in their Doubts, and comfort them in their Sorrows and Sufferings, and pray often with them, and for them; and, by all the Methods which our Church prescribes, prepare them for the due and worthy receiving of the Holy *Eucharist*, the Pledge of their happy Resurrection. Thus with their utmost Diligence, watching over every Sheep within their Fold (especially in that critical Moment) lest those *Ewening Wolves* devour them.

XI. That they also walk in Wisdom towards those that are *not* of our Communion: and if there be in their Parishes any such, that they neglect not frequently to concur with them in the Spirit of Meekness, seeking by all good Ways and Means to gain and win them over to our Communion: more especially that they have a very tender Regard to our *Brethren* the *Protestant Dissenters*; that, upon Occasion offered, they visit them at their Houses, and receive them kindly at their own, and treat them fairly wherever they meet them, discoursing calmly and civilly with them; persuading them (if it may be) to a full Compliance with our *Church*, or at least, that whereto we have already attained, we may all walk by the same Rule, and mind the same thing. And in order hereunto, that they take all Opportunities of assuring and convincing them, that the *Bishops* of this *Church* are really and sincerely irreconcileable Enemies to the Errors, Superstitions, Idolatries, and Tyrannies of the Church of *Rome*; and that the very unkind Jealousies which some have had of us to the contrary, were altogether groundless.

And in the last place, that they warmly and most affectionately exhort them, to join with us in daily fervent Prayer to the God of Peace, for an universal blessed *Union* of all *Reformed Churches*, both at *Home* and *Abroad*, against our common Enemies; and that all they who do confess the Holy Name of our dear Lord, and do agree in the Truth of his Holy Word, may also meet in one Holy Communion, and live in perfect Unity and Godly Love.

An

An Account of the late PROPOSALS *of the Archbiſhop of* Canterbury, *with ſome other Biſhops, to his Majeſty: In a* LETTER *to* M. B. *Eſq;*

SIR,

I Am much ſurprized at the ill Conſtructions ſome People make of the Actions of thoſe Biſhops, who have lately waited upon the King, eſpecially conſidering that moſt of them are the very Men, who not many Months ago appeared ſo publickly and courageouſly, even to the Hazard of all the Intereſts they had in this World, in Defence of our Proteſtant Religion, and the Laws of the Land.

In order to the removing all groundleſs Jealouſies, and unreaſonable Surmiſes, in an Affair of ſo great Conſequence, which our Popiſh Enemies will, I am ſure, be very ready to foment and keep up, I have here ſent you the Heads of thoſe Matters which were propoſed by them to the King.

They waited upon him, not as a Party ſeparate either from the Nobility or Gentry, whom they could (I believe) have wiſhed his Majeſty would rather have called for at this Juncture; or from the reſt of the Biſhops or Clergy of *England*; but as Perſons whom the King was pleaſed, upon Reaſons known only to his Royal Breaſt, to command to attend upon him.

The Heads which I ſend you, are not taken from any Copy of the Paper which my Lords the Biſhops preſented to the King. I underſtand that all their Lordſhips have been extremely careful to prevent the publiſhing of any Copies, and that they ſtill refuſe to communicate any, tho' they now lie under no Obligations to the contrary. However, I do aſſure you with all Faithfulneſs, that theſe Heads which I am now ſending you, are true Contents, obtained by another Method, which in Prudence you will imagine not fit for me to diſcloſe.

You have already been told from me, that every one of theſe Biſhops were ſent for up out of their Dioceſes by *Expreſſes* from his Majeſty, whom they firſt waited on in a Body, on *Friday* the 28*th* of *September*. I cannot, upon the ſtricteſt Inquiry, find that *any Thing* paſſed betwixt the King and them, at firſt Attendance upon him, beſides *general* Expreſſions of Favour and Protection from his Majeſty, and general Returns of Duty and Loyalty from the Biſhops. This was Matter of Admiration to us all here, who could not believe but that the King had other Intentions of a nearer and more particular Concern, when he firſt reſolved to ſend ſo far for ſome of theſe Biſhops: but theſe Alterations in Councils are Things not fit for you or I to meddle with.

However, my Lords the Biſhops were not ſatisfied herewith, concluding (as I ſuppoſe) that his Majeſty would not have ſent for them ſo far, if he had not intended to have adviſed with them in this Juncture, and to give them the Liberty of offering him ſuch Counſels as they thought neceſſary at this Time: And therefore when his Grace my Lord Archbiſhop of *Canterbury* waited on the King alone the firſt Time, on *Sunday* Morning, *Sept.* 30. being indiſpoſed when the other Biſhops attended on *Friday*, their Lordſhips did, by my Lord of *Canterbury*, intimate their Thoughts about that Affair, and their Readineſs

to the King; who was pleaſed not only to permit them to give him the beſt and moſt particular Advices, but to encourage them to do it with all the Freedom that was neceſſary for the preſent Occaſion.

Upon this Royal Invitation their Lordſhips aſſembled together the next Day at my Lord of *Canterbury*'s Palace, and prepared, upon the moſt mature Deliberation, ſuch Matters as they judged neceſſary for his Majeſty's Knowledge and Conſideration: And on the *Wedneſday* after waited on the King in a Body, when his Grace in his own, and in the Name of the other Biſhops then preſent, did, in a moſt excellent Speech, repreſent to his Majeſty ſuch Things as were thought by them abſolutely neceſſary to the Settlement of the Nation, amidſt the preſent Diſtractions, and to the publick Intereſt of Church and State.

I am aſſured that his Grace delivered himſelf upon this Critical Occaſion, as with all Dutifulneſs to his Majeſty, ſo with all the Readineſs and Courage that did become ſuch an Apoſtolical Archbiſhop as God hath bleſt our *Church of England* with at this Time.

You muſt not expect here his excellent Words, but an Abridgment of them, according to my Talent, in a meaner Stile.

I. *Firſt, the Biſhops thought fit to repreſent in general to his Majeſty, that it was neceſſary for him to reſtore all Things to the State in which he found them when he came to the Crown, by committing all Offices and Places of Truſt in the Government, to ſuch of the Nobility and Gentry as were qualified for them according to the Laws of this Kingdom; and by redreſſing and removing ſuch Grievances as were generally complained of.*

II. Particularly, *That his Majeſty would diſſolve the Eccleſiaſtical Commiſſion, and promiſe to his People never to erect any ſuch Court for the future.*

III. *That he would not only put an effectual ſtop to the iſſuing forth of any Diſpenſations, but would call in, and cancel all thoſe which had ſince his coming to the Crown been obtained from him.*

IV. *That he would reſtore the Univerſities to their legal State, and to their Statutes and Cuſtoms, and would particularly reſtore the Maſter of* Magdalen-College *in* Cambridge, *to the Profits of his Maſterſhip, which he had been ſo long deprived of, by an illegal Suſpenſion; and the ejected Preſident and Fellows of* Magdalen-College *in* Oxford, *to their Properties in that College: And, that he would not permit any Perſons to enjoy any of the Preferments in either Univerſity, but ſuch as are qualified by the Statutes of the Univerſities, the particular Statutes of their ſeveral Foundations, and the Laws of the Land.*

V. *That he would ſuppreſs the Jeſuits Schools opened in this City, or elſewhere, and grant no more Licenſes for ſuch Schools as are apparently againſt the Laws of this Nation, and his Majeſty's true Intereſt.*

VI. *That he would ſend Inhibitions after thoſe four* Romiſh Biſhops, *who under the Title of* Apoſtolick Vicars, *did preſume to exerciſe within this Kingdom ſuch Juriſdictions as are by the Laws of the Land inveſted in the Biſhops of the* Church of England, *and ought not to be violated or attempted by them,*

VII. *That he would ſuffer no more* Quo Warranto's *to be iſſued out againſt any Corporations, but would reſtore to thoſe Corporations, which had been already*

ready disturbed, their ancient Charters, Privileges, Grants, and Immunities, and condemn all those late illegal Regulations of Corporations, by putting them into their late flourishing Condition, and legal Establishment.

VIII. *That he would fill up all the vacant Bishopricks in* England *and* Ireland, *with Persons duly qualified according to the Laws: and would especially take into his Consideration the See of* York, *whose want of an Archbishop is very prejudicial to that whole Province.*

IX. *That he would act no more upon a Dispensing Power, nor insist upon it; but permit that Affair at the first Session of a Parliament to be fairly stated and debated, and settled by Act of Parliament.*

X. *That upon the Restoration of Corporations to their ancient Charter, and Boroughs to their prescriptive Rights, he would order Writs to be issued out for a fair and free Parliament, and suffer it to sit to redress all Grievances, to settle Matters in Church and State upon just and solid Foundations, and to establish a due Liberty of Conscience.*

XI. Lastly, and above all, *That his Majesty would permit some of his Bishops, to lay such Motives and Arguments before him, as might by the Blessing of GOD, bring back his Majesty unto the Communion of our Holy Church of* England, *into whose Catholick Faith he had been baptized, in which he had been educated, and to which it was their earnest and daily Prayer to Almighty GOD, that his Majesty might be reunited.*

All these Counsels were concluded with a Prayer to GOD, in whose Hands the Hearts of Kings are, for a good Effect upon them; especially the last, about bringing the King back to the Ptotestant Religion.

And, now, Sir, I cannot but ask you, What Grounds there are for any Men's Jealousies of the Bishops Proceedings? Pray shew this Letter to all your Friends, that some may lay down their Fears, and others may have this Antidote against taking any up. I do assure you, and I am certain I have the best Grounds in the World for my Assurance, That the Bishops will never stir one Jot from their PETITION; but that they will, whenever that happy Opportunity shall offer itself, let the *Protestant Dissenters* find that they will be *better* than their Word given in their famous PETITION.

In the mean Time let You and I commend the Prudence of these excellent Bishops, admire their Courage, and celebrate their just Praises, and never forget to offer up most fervent Thanks to GOD, for his adorning the Church of *England*, at this Juncture, with such eminent Apostolical Bishops. I am with all Respect

Yours, *N. N.*

Some Reflections upon his Highness the Prince of *Orange*'s Declaration.

THIS Piece was publish'd immediately after his Highness's Landing, and makes as free with the Pretences assign'd therein for to justify his

Expedition, as the ſaid Declaration had before done with the Meaſures of his Majeſty's Reign: Who the Penman of it was is ſcarce poſſible to conjecture, but that it had all the Countenance which the Court could give it, there is no room to doubt. The Anſwer which follows it, came from the Prince of *Orange*'s Camp, and therefore may be aſcribed either to *Burnet* or *Ferguſon*, at the Pleaſure of the Reader.

§. 1. Having read the Prince of *Orange*'s *Declaration*, the Reflections I now publiſh, did very eaſily occur to me in the Peruſal of it. The firſt Thing I looked for, was the expoſing of our *clandeſtine* League with *France*, ſo much talk'd of, to excuſe the *Dutch* Preparations and Invaſion; but I find after all, not one Word ſaid of *France*, or any ſuch ſecret League, the main Thing pretended and expected; ay, that hateful and dreaded Thing, which was to introduce a *French* Army to deſtroy us Proteſtants, and ſet up Popery: The only Fear that could excuſe the Prince's coming, or make the Thoughts of it any thing tolerable to an *Engliſh* Man, tho' a Proteſtant. This deep Silence, upon the firſt and greateſt Point, the Point in which we are moſt intereſted, and about which we have had the laſt Pain and Thought of Heart, ſhews evidently, we have been abuſed with feigned Dangers, and falſe Fears: And what for? If not to cover, break and leſſen the Guilt of a *Proteſtant* Invaſion?

§. 2. This is not all: Had his *Highneſs* only pretended to come to deliver the *King* from *evil Counſellors*, and to engage him further into the Intereſt of *England* and *Europe*, that he might not ſeem a Property to a few ill Men for narrow Ends, the Prince of *Orange* had leſs needed an Apology with ſome others; but to over-look the King, a lawful King, the Father of his Princeſs, in whoſe Right he can only pretend to come, and inſtead of the King's Name, to uſe in *England* the Style of *WE* and *US*, *Commanding*, *Preferring*, *Advancing*, *Rewarding*, *Puniſhing*, *having of Parliaments*, and *ſettling the Nations*; *and laſt* of all, that *he will then ſend back his Army*, which ſheweth he intends to ſtay behind himſelf, can declare nothing elſe to us, but that his Deſign is to be King. Now, how this is practicable, and a Rightful King alive, his Uncle and his Wife's Father, through whom only he can pretend any Intereſt; and beſides this, an Heir apparent, the *Prince of Wales*, who hath a prior and inconteſtable Title, I leave firſt to the *Nobility* and *Gentry* of the Realm to think upon, whoſe *Blood* and *Eſtates* are like to be a great Part of the Price of ſuch a Quarrel; and next, to the *Divines* in Point of Conſcience, and to the *Lawyers* in Point of Juſtice, to conſider ſeriouſly of.

§. 3. I cannot find how he ſtates a *clear and juſt Call:* A Son againſt a Father; a Nephew againſt an Uncle; a Neighbour againſt a Neighbour, without any Act of Hoſtility or Breach of Peace on the King's Part, can to be ſure be no good Call: But that a Proteſtant, after all our Exclamations againſt Papiſts, ſhould attempt ſuch an Invaſion, without any publick Complaint, Memorial, or Demand made, and yet the *Dutch* Embaſſador, in the Name of the *Dutch* Government (of which the *Prince of Orange* is ſo great a Part, that the reſt ſeem to have ſcarce any) had often aſſured the King,

King, *that their Preparations of War were not intended againſt him*; I ſay, that a *Neighbour*, a *Nephew*, a *Son*, and a *Proteſtant* too, ſhould do ſo extraordinary a Thing, contrary to the Laws of Nature and Nations, is without Precedent, and in my poor Opinion, Almighty God will, (I was ready to ſay, can) never bleſs the Attempt.

§. 4. The moſt *Melancholy* Part of this Buſineſs is, that hereby the Proteſtant Religion is at once unneceſſarily expoſed and hazarded; for if the *King* prevail, what can the *Prince of Orange*'s Sort of Proteſtants expect at his Hand? Will the Attempt then be no Reproach to the Name of the Religion, and the Miſcarriage no Danger to the Thing? The firſt cannot fail, but I hope the latter will: But then it muſt be by the Union of the *Engliſh* Proteſtants for their *Engliſh King*, that to them chiefly, if not only, the Honour of his Preſervation may be attributed; this the Love they have to themſelves and their Religion, which is their true Intereſt, will oblige them to; for if they change Maſters, they entail Blood upon their Children, about the Title of the Crown: And if they will keep their Maſter, and ſhew their Strength, by ſaving him, it will convince him, he cannot be ſafe without them, and therefore he cannot fail to pleaſe and ſecure them. I ſay, this Invaſion is ſtaking the whole Proteſtant Intereſt in *England* at once, and God deliver us from ſuch deſperate Gameſters.

If this were really a Fit, or Tranſport of Zeal for the Proteſtant Cauſe, we muſt needs think the Prince hath miſt his Man, and might have found other Places fitter for his Enterprize. Had he ſet his Face towards the Country we were ſaid to be in a ſecret League with, by whoſe only Help *England* can be made Popiſh, and where the Proteſtants have already been ill uſed, and their Edicts entirely violated, by which they were once preſerved, and where the Prince himſelf, in his *Principality* of *Orange* hath been notoriouſly invaded, it would have looked very natural, after ſo many diſtreſſed *Hugenots* had filled *Holland* with their Complaints and Sufferings for Religion. This he could not but think would have given *France* a ſeaſonable Diverſion, that is now ravaging the *Empire*, and diſquieting the Peace of *Chriſtendom*: This would alſo have been a ſufficient *Teſt* upon his *Majeſty*, whether he was in League with *France* or no, or would have fought the *French King's* Quarrel in Defence of Perſecution, and in the Prince's Wrong; but it ſeems his *Father* and *Uncle*, of all others, muſt be the Man he will attack, and *England* of all Kingdoms, his Seat of War; and what that can mean beſides the Crown, is paſt my *Comprehenſion*; which leads me to conſider the Particulars of his *Declaration*.

§. 5. He ſays in the firſt Paragraph, *That the Peace and Happineſs of any State or Kingdom cannot be preſerved where the Laws, Liberties, and Cuſtoms eſtabliſhed by the lawful Authority in it, are openly tranſgreſſed and annulled; more eſpecially where a Religion contrary to Law, is endeavoured to be introduced, and that thoſe who are moſt concerned are indiſpenſibly bound to endeavour to maintain the eſtabliſhed Laws, Liberties, and Cuſtoms; and above all, the Religion and Worſhip of God.* This is a Stumble at the Threſhold, the Propoſition is confuſed, and ill diſtinguiſh'd at beſt; for ſome Laws are better broke than kept,

kept, and without it Christianity had never come into the World; Laws for Idolatry cannot bind; Laws that impose a Faith or Worship I think untrue, do not oblige me; Laws against fundamental Right and Justice, are void in themselves; a lawful Authority, by exceeding or straining Points beyond their just Bounds, may act unlawfully.

Yet further, introducing a Religion contrary to Law, may be justifiable; because Law doth not make a Religion true or false; so that a Change may be unlawful and not unreasonable or unchristian; in that a Religion that is so, may happen to have Law of its Side, as in the Case of *Judaism* and *Paganism*, when a Change is from a false to the true, tho' it be unlawful by the Laws of a Country, it may be both lawful and a Duty by the Law of God, nor can human Wisdom or Measures bound Mankind in this Case, or be observed by them in a Point so much above it; less is any body *indispensibly bound* to such an Absurdity and Impiety: For if a Religion be not true, Who is bound indispensibly to maintain it, that does not turn Atheist, and prefer human Law above divine Truth? And yet with Reverence be it spoken, as the Declaration runs, the *Legality*, and not the *Verity* of a Religion obliges the Support of it. For my Part, I think no Relation to a Government puts this Task upon any Man; or can excuse them that take it upon them; no not for the true Religion itself, if it be by such Ways as Christ forbad. In fine, what *Laws*, *Liberties* and *Customs* are they that are to be maintained? And what Religion, and by what Means and Methods is it to be done?

The Second Paragraph applies the First, *That Evil Counsellors here have overturned the Laws and Liberties, and subjected them in all things relating to their Consciences, Liberties and Properties, to Arbitrary Government.*

The Charge is great, for it leaves no one thing excepted from their Tyranny.

The Third Paragraph begins the Proof, *That those Evil Counsellors, to colour this with a plausible Pretext, did invent the King's Dispensing Power, and that the King can dispense with Laws made by King and Parliament for the Security and Happiness of the Subject, and so render'd the Laws of none effect.* But in this the Prince of *Orange* has been ill advised, and abused, for the matter of Fact is not true: One would think the Laws, that would shake a Government to be dispens'd with, were the *Moral* Laws, or Laws of *God*, that are the Foundation of Government, and Rule of Virtue and Goodness; Laws that preserve Right to every Man, the Fundamentals of a Country: whereas the Laws dispens'd with, are Laws *restraining Conscience*, *punishing Non-conformity*, to the Ruin of Thousands; Laws that *usurp God's Prerogative* over Conscience, and that make People Offenders for what they can't help; Laws, that *destroy* Property for Opinion, the Freehold of this World, for Faith about the next; which is *literally* against the Fundamental Laws of the Kingdom, the *Nature* of Government, and of Rewards and Punishments, *blending* Civil with Religious things, *overthrowing* the ancient Hold and Title of the Free-man of *England*; the Effect of Partiality, and the Interest of a Party only; the ground of all the Strife and Mischief this Kingdom hath labour'd under for above an Age. These are the Laws his Majesty has *dispens'd with*, for the Ease and Peace of his Subjects, and Benefit of the Trade

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of the Kingdom, till redreſs can be had by Parliament: And this is made *His Crime*, and the Prince of *Orange*'s *Standard*.

The Fourth Paragraph gives a Reaſon againſt the Diſpenſing Power, that is rather for it. His Highneſs ſhifts the Subject of the Queſtion, and then makes the Inference: The Words are theſe; *The King can pardon Treaſon or Felony, but not ſuſpend the Laws relating to Treaſon or Felony:* whereas the Queſtion is not about what is Evil in itſelf; for all agree the King cannot diſpenſe with Laws againſt Evils that are ſuch in themſelves, tho' he may pardon the Party offending the Law: But becauſe he cannot do ſo, that therefore he may not diſpenſe with a Law againſt an Evil that is not ſo in itſelf, but by Law only made ſo, for a Civil Conveniency, will not follow; for it is to ſay, That if the King can diſpenſe with the Law that forbids the Exportation of Wool, or Importation of *Iriſh* Cattle in caſe of a general Murrain in the Kingdom, he can alſo diſpenſe with the Laws againſt *Sodomy*, *Theft*, *Perjury*, *&c.* which is a moſt inconſequent thing; and yet it is upon no better bottom that his Highneſs ſets this Invaſion. To end my Reflections here; it muſt be granted there is no higher Authority in *England*, than *King*, *Lords*, *and Commons*, and as true *They* only can Make and Abrogate Laws; but 'tis alſo true, that Diſpenſation is neither, and therefore not inconſiſtent with the Supreme Power of the Kingdom: Yet it ought not to be uſed, but about Temporary Laws; and where the Execution is an Inconveniency to the Publick, and no Hurt to any Man's Property, and at that time only when a Parliament cannot conveniently meet. Now, let the Laws be read over that the King has diſpens'd with, and the Terms he did it upon, and we ſhall find it not impoſſible to ſupport the Government without their Execution, when we conſider the Execution of them had almoſt ruin'd the Kingdom: And whatever the Prince of *Orange* may pleaſe to complement us with, *Dutch Good-nature* we very well know at all the Markets in the World: *Liberty of Conſcience* gave them their Trade, and that the Mighty Wealth they have; and they fear the Conſequence of it here, leſt what *We* ſhould *get*, *They* might in a great degree *loſe*; and unleſs *Diſſenting Proteſtants* were not worth ſaving, the *Prince* might have found room enough for his Favours to Them at the latter-end of the laſt King's Reign, when the Civil and Religious Rights of the beſt part of the People of *England* were lower much than they have been ſince this King came to the Crown. This by the by.

The Fifth Paragraph is a Reflection upon the Miniſters, *for tempting and ſhifting the Judges, and packing the Benches, to ſupport the Diſpenſing Power.* If there was any extraordinary Art uſed, or indirect Dealing with any of them, it was ill done, and ſuch are anſwerable for it: But this a Parliament could have cenſured as it deſerved, without the help of an Invaſion.

The Sixth Paragraph ſtrikes at *employing People without taking the uſual Oaths and Teſts*; which excludes from all Capacity in the Government as well *Proteſtant Diſſenters* as *Roman Catholicks*: This, in the Opinion of the Declaration, is ill done, and Crime enough for an Invaſion. But others are of another mind, and ſay, thoſe Laws are from a private Spirit, a partial narrow Intereſt, contrary to the Privilege and Duty of the Subject, as well as the inſeparable

ſeparable and indiſpenſible Right of the King: However, this would have alſo had its due Conſideration in a Parliament, where a *Papiſt* could not have ſate, and where as good *Proteſtants* would have ſate, as ever were in Parliament.

The Seventh Paragraph, tho' long, will need but a ſhort Anſwer. 'Tis a Reflection upon the *Conſtitution and Proceedings of the Eccleſiaſtical Court:* Both are at an end; the *Biſhop of London* and *Magdalen-College* are reſtored, and the *Commiſſion* is broke: But I am very glad the *Prince*, in the occaſion of *Magdalen-College*, ſhews himſelf ſo hearty for freedom of Election; ſome ill-natur'd People were ready to ſay, they hop'd he was for it in *Holland* too.

The Eighth Paragraph complains, *That Chappels are ſuffered to be built, and Monaſteries erected againſt Law, the Jeſuits teach School, and Father* Peters *is a Privy Counſellor; and finally, that they are ſerved and ſeconded by the Eccleſiaſtical Commiſſioners.* Now, for their Chappels, they are places of Devotion, and not much more unlawful than the Diſſenters Meeting-houſes; which muſt be meant, and have a feeling through the other, both being againſt Law. But, under Correction, this doth not agree with Liberty of Conſcience to *Papiſts* in the 19th Paragraph, no more than to refuſe them Prieſts, without which they can exerciſe no Religion. For Monaſteries I have heard of none, and of Schools but one: But this I know, they are to be found in *Holland*, and *Jeſuits* too; no wonder then if a *Popiſh* King hath admitted them: It is againſt Law in both places alike; only in *Holland* 'tis called *Prudence*, but *here* it muſt be *Subverting the Government.* For *Father Peters*, he is long ago of Age, and muſt anſwer for himſelf; but I am ready to think He had not been a Blot for the Prince to hit now, if he had thought fit to have aſk'd him of his Father out of a *Declaration.*

The Ninth Paragraph complains of *laying aſide the Lord-Lieutenants and Deputy Lieutenants*, &c. *becauſe they would not concur to repeal the Teſt.* But before the King knew this would be a Fault imputed in the Prince of *Orange*'s Declaration, he was contented the Teſt ſhould remain, and They be reſtored, and not to make any thing worſe than it was: The King ever declared, he did not diſlike the Teſt for the Security it was to the Proteſtant Religion, but the Affront it was to Himſelf; and, on the other hand, all good Proteſtants as freely acknowledge, that they only deſir'd to keep it becauſe of its Security. The Conſequence of which is, that if another Security could be found, both were agreed in the Repeal: If not, the Old one muſt remain, becauſe the King from the firſt aſſured us, the Liberty ſhould be ſo eſtabliſhed, that it ſhould not be in the power of *His Own*, or *any Party*, to invade it: But muſt a Foreign Prince invade us upon every falſe ſtep he thinks our Government makes, and yet that without Warning?

The Ninth Paragraph falls upon ſeizing of the Charters of the Corporations in *England*; and with ſome reaſon, if a Neighbour Prince may be allowed to meddle with our Adminiſtration: But, to be Juſt, it refers more to the late King's Reign, than to this; and, to his Majeſty's great Honour let it be told our Children, he frankly reſtored them all, that he might lay the Foundation of *Legal and Free Parliaments* for the People of *England* in all time coming.

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The tenth Paragraph is a Repetition and Aggravation of the *fifth* about the *Judges*.

The eleventh Paragraph complains of the Miniſters *putting in Popiſh Judges*, (tho' there never were but two) and aggravates the *Uncertainty and Invalidity of thoſe Judgments they have paſſed about the Perſon and Property of the Subject*; which is true, if upon a due enquiry it be found, after all Sir *Edward Cooke* has ſaid in Favour of the King's Prerogative, that the King has not that Power; but at any time it ſeems hard that the Prince of *Orange* ſhould be Judge or Chancellor upon the Queſtion; and more, that before it is debated, he will invade the King about it. One would hardly credit it.

The twelfth Paragraph reaches *Ireland*, and ſays, *The whole Government is in the Hands of Papiſts; and the Proteſtants, for fear of another bloody Maſſacre, have left the Kingdom and their Eſtates.* And yet an hundred times more remain than are gone: And if the Pleaſure of a Court here had not made it uneaſy living there for them, they might have rendered the Kingdom ſafer, and themſelves happier than they now are. I did never apprehend the Policy, I confeſs, of making that great Change; but I was told the King and his Friends would be ſafe ſomewhere; and till they had fair and legal Quarter here, *Ireland* ſo diſpoſed of, would help to make the better Bargain for them at home; and that done, the Kingdom to return for the moſt part, into the old Channel: Nor is it poſſible indeed, it ſhould be otherwiſe at laſt; and therefore the Matter, I hope, will not be difficult to obtain.

The thirteenth Paragraph relates to *Scotland*. How far it can affect the *Engliſh* Miniſters, is beſt known to themſelves; but all the Place that Kingdom can expect here, is, that we are Stangers to the Nature of the Government, and conſequently know not how that Monarchy, and the Prerogative of it, bears Proportion to ours.

The fourteenth Paragraph begins as if it referred to the Oppreſſions of *Scotland*, and would juſtify the ſeveral Inſurrections of that People to deliver themſelves, but ends in ſofter Practices of the Diſcontented in *England*. It complains of *the Biſhops Uſage for their petitioning the King about reading the Declaration for Liberty of Conſcience*; and of *their appearing before profeſſed Papiſts*; and *that the Judges were turned out that gave their Opinion in their Favour*. But all this depends upon the Validity of the King's Declaration; for if that be Law, they were in the wrong. But let me make this ſhort Reflection: The King is Head of their Church; they have preached up an indiſpenſible Conformity and Obedience to the King's Commands, as God's Vicegerent, when he commands nothing againſt the Law of God; and this was but a Nicety about the Law of Men. It was refuſed alſo at an ill Time, and for an ill Turn; for it ſhewed a *Diſlike* to the Liberty itſelf, that ſo many thouſands wanted; and where People accuſtomed to be ſevere, pretend the contrary, and yet refuſe the Means of a ſofter Conduct, their Excuſes are ever ſuſpected. It is now over,—and many wiſh it had never been: But ſtill, muſt we be invaded for this? was there no other Remedy?

The fifteenth Paragraph ſeems of great Weight; it declares, *That the Prince and Princeſs of* Orange *have, in Terms full of Reſpect, ſignified to the King their deep Regret, which all theſe Things gave them, and their Thoughts about repealing the Teſt and Penal Laws, as an Expedient of Peace, and a happy Agreement amongſt the Subjects of all Perſuaſions: But the Evil Counſellors have ſo conſtrued it, as to alienate the King more and more from them, as if they deſigned to diſturb the Quiet and Happineſs of the Kingdom.* And did they not ſay true, as it happens? Believe me, ſome Folks think many of them are not often guilty of ſuch Foreſight. But this Signification to the King was but privately; why not a publick *Manifeſto* before an Invaſion? Had the *Prince and Princeſs* avowed the Nation's Right in ſo peaceable a Way, it had in all Probability done the Buſineſs: but this is to leap over all Bounds, and ſuch as no Body, that is a faithful and conſcientious Subject, can tell how to follow. It is alſo hard to think the Miniſters (to whom I am not naturally very partial) ſhould make an ill uſe of their Highneſſes Mediation and Expediency; for it is certain the *King* has almoſt come up to *Mijn Heer Fagel*'s *Letter*, that was the Declaration of their Mind, *viz. The Church of England, the Teſt, and Laws of Supremacy to remain*; the King concedes the firſt and laſt, and the Legiſlative Teſt; why ſhould not this have prevailed to *ſtop* ſo violent an Attempt upon a *Father* and an *Uncle?* Let me add, that I have heard that the King wrote laſt, and that their Highneſſes firſt broke the Correſpondence, and that without a Reaſon ever rendered for it.

The ſixteenth Paragraph tells us, *That the laſt and great Remedy of theſe Evils, is the calling of a Parliament; but thoſe evil Counſellors are againſt it, for Fear of being called to an Account for their wicked Practices, that under Pretence of Liberty of Conſcience they had divided Proteſtants, that are equally concerned againſt Popiſh Oppreſſions; that they pre-engaged Voices to take off the Teſt and Penal Laws for the next Parliament, and regulated Corporations and Boroughs, that they might aſſure themſelves of the Members that are to be there choſen; that Returns made by Popiſh Officers are invalid; that all Elections ought to be free, by the Government and immemorial Cuſtom of* England; *ſuch a Parliament cannot be had now, but one perhaps, choſen by Fraud and Force; for the ſame Perſons tryed the Members of the laſt Parliament, to gain their Conſent to the Repeal of the Teſt and Penal Laws, and got it diſſolved when they found they could not prevail with the Members to comply with their wicked Deſigns.* This is a ſevere Cenſure; but for that End it was given; how deſerved, is the Queſtion: But if it were ſo, what has this to do with the King? And yet it is the King, and not the Miniſters, that are invaded; they may fly, or be turned out, or pardoned, and eſcape the Puniſhment; but the *King* remains, and muſt ſuſtain the Shock. This ſeems very unreaſonable, that while the *Counſellors* commit the Fault, the King and the innocent Kingdom muſt pay the Reckoning. It were not unfit to aſk, if the *Prince of Orange* did ever deſire the King to lay aſide thoſe Evil Counſellors he invades him for uſing? For the Parliament, his Miniſters muſt confeſs, that in the Corporations the King could

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influence by the new Charters granted in his Brother's Time, and thoſe few that were in his; they were unwilling any ſhould have his Intereſt, that were not for Liberty of Conſcience, according to the King's Declaration; but this was no new Method, and yet we heard of no Invaſion for it. A *truly-free Parliament* is a *Chimera*; for by *Money*, *Drink*, or *Power*, Elections have ever ſuffered an ill Byaſs upon them. In whoſe Time was it, that *thirteen* was voted more than *one and twenty*; and what Religion were they of, that did ſo? and of whoſe ſide now? I will ſay no more of that. The laſt Parliament is named to reproach the Miniſters Conduct about this that was intended; and yet it was modelled by ſome of the ſame Hands, and the Members moſt of them choſen the ſame way, that is, upon new Charters, by the Influence and Power reſerved to the King in them. The Change was now only of Men and Opinions, the Way of chooſing would have been the very ſame, and the Corporations under no greater or other Influence from the King, than they were the laſt Parliament. I ſay this, to ſhew how little Weight that Objection ought to have, ſince *that Parliament* was as *pack'd* as *this* would have been, and conſequently not a freer or more legal Parliament, nor this more deſerving an *Invaſion*. To conclude, I am ſorry to hear the Merit of that Parliament lay in not taking off the *Penal Laws* as well as the Teſts, or that ſuch a Character ſhould excuſe, nay recommend to the *Prince* a Conſtitution as *partial and corrupt* as it is poſſible for him to imagine this would have been. It is a feeling Complement to the Church of *England*, at the Coſt of the poor Diſſenter, that refuſing to repeal ſuch Laws by which he was ruined, ſhould legitimate a *Parliament* born of the *ſame Parentage* this had deſcended of, if it had not miſcarried by this untimely *Invaſion*.

The nineteenth Paragraph is what I am aſhamed and troubled to name, a great and violent Preſumption, *That the Prince of* Wales *is an Impoſture*, which is to ſay, *a Cheat put upon the World*. The Words are theſe: *But to crown all, there are great and violent Preſumptions, inducing us to believe, that thoſe Evil Counſellors, in order to the carrying on their ill Deſigns, and to the gaining to themſelves the more Time for the effecting of them, for the encouraging their Complices, and for the diſcouraging all good Subjects, have publiſh'd that the Queen hath brought forth a Son; tho' there have appeared, both during the Queen's pretended Bigneſs, and in the Manner in which the Birth was managed, ſo many juſt and viſible Grounds of Suſpicion, that not only we ourſelves, but all the good Subjects of theſe Kingdoms, do vehemently ſuſpect, that the pretended Prince of* Wales *was not born of the Queen: And it is notoriouſly known to all the World, that many both doubted of the Queen's Bigneſs, and of the Birth of the Child; and yet there was not any one Thing done to ſatisfy them, or to put an End to their Doubts.* Now, though this hath been done, and a low ſtep it was, God knows, for a great King to make; but that he can hardly refuſe any thing, that may give the weakeſt of his Subjects Satisfaction. It is, I confeſs, above the preſent Temper of my Mind to forbear ſome Reflections upon this Jealouſy. What Ground had the *Prince* and *Princeſs* to entertain it? The *Doubt* is expreſſed, but the *Reaſon* concealed. Is not *this* as *unreaſonable* as *that* is *ſcandalous?*

dalous? Did they ever write to the King about this Point; in which, as the *Prince* says in the beginning of the next Paragraph, *He and the Princess are so much concern'd?* Did the King refuse to satisfy them? If not, could a greater Impiety, or a more execrable Imposture, be insinuated against the most flagitious and profligated persons, than by this Paragraph is reflected upon the *King* and *Queen*, and that *Great Presence* that have witness'd the *Prince's Birth?* The Prince of *Orange* is to be greatly pity'd, that he should fall into so severe and ungenerous a Diffidence, below the common Faith and Justice due to Mankind; the effect of the perpetual restless workings of a lewd Crew of *Renegadoes*, too freely and nearly admitted by him, who fail not to say any thing, that may alien the Prince's Heart from the King; for the Distance they make is their own Fortune. The Prince of *Wales*'s *Birth* is so inconteſtably proved, that it were a Crime to think it needed any other Defence; but this Suggestion, that is by the Declaration made the Crown of the wicked Counsellors evil Devices, shews what hath been a brewing at the *Hague*, what Motives some would make rather than fail; which puts me in mind of some peoples late and frequent drinking of the *Prince* of *Wales*'s health in *Holland*; for said they, if he die, our Business is spoiled and we shall never stir hence, meaning, the Invasion would stop; so that the true Reason why the *Prince* of *Orange* ought not to concern himself with what is done here, more than the *Emperor* or the *King of France*, is by his own Followers made the reason why he does invade us, that is, *there is a Prince of Wales Born*; which needs no Comment.

§. 22. The eighteenth Paragraph says, *Since their Highnesses have so great an Interest in the business of the Succession, and since the* English *shewed themselves so kind to the* Dutch *Nation when invaded with an unjust War in* 72, *together with that Affection the* English *Nation has ever testified for their Highnesses, he could not excuse himself from contributing all that lyes in him, for the maintenance of the Protestant Religion, and securing to them the continual enjoyments of all their just Rights, to the doing of which he is most earnestly solicited by a great many Lords both Spiritual and Temporal, and by many Gentlemen and other Subjects of all Ranks.* This is the *Prince's Call*; pray let us briefly examin it. Their *Highnesses* are concerned in the Succession; must the *Prince* of *Wales* therefore be a *supposed* Child? Or must they therefore have the examining of it with an Army? is the *King*, *Queen*, and the People present of both Religions, no Proof? Was not this known to them before the Prince's Embarquing, by private hands? But if the Presumption of the *Prince* of *Wales* being not Born of the Queen be so great and violent, why is there nothing said to render such a violent Presumption reasonable to the World? Else it looks like a very great and violent Injustice: Believe me, to set up, upon the infamous *Shams* and *Legends* of the Male-contents, is a wretched bottom for such an attempt; the Monument might as well stand upon the other end; for the Prince's other Motives, the Affection of the *English* Nation to their Highnesses, and their Kindness to the *Dutch* when Invaded by the *French*,

French, does not juſtify, but reproaches the preſent *Invaſion*, that cannot be thought to end without making many Fatherleſs and Widows, ſpoiling Trade, waſting and impoveriſhing the Country; a lamentable Return to *England*; that which Wiſe Men fear, and Fools may feel before the Miſeries of ſuch an Enterprize are over. But the laſt Motive is, the Call and Invitation of *a great many Lords, both Spiritual and Temporal, and many Gentlemen and Subjects of all Ranks.* This I confeſs is a hard Saying: For it is but *High Treaſon* in thoſe that did ſo. However, I would believe better things of them, tho' on the other hand the *Prince* of *Orange* is not one to ſay poſitively a thing he did not believe: But it is certain the *Lords* and *Biſhops* about the City renounce it, and they are the moſt eminent of both Benches. I confeſs *Paſſive Obedience* and *Non-reſiſtance* were in an ill pickle if that were true; but doubtleſs the *Prince* is abuſed, as the Duke of *Monmouth* was before him.

§. 23. The Nineteenth and Twentieth Paragraph refers all to a *Free Parliament*, as well what relates to the ill Conduct objected againſt us, the buſineſs of the *Prince of Wales*, the Succeſſion and the Settlement of our Civil and Religious Rights: But with Reverence let me aſk, can the *Prince* of *Orange* have any Pretence to refer other Men's Buſineſs? He is neither *Heir apparent* nor *preſumptive*; and if he were, our Laws know no ſuch Doctrine. Is this the way to preſerve the Rights of the Crown, to refer thoſe of the preſent Poſſeſſor over his head? Surely it looks too much like an officious Appeal to the People againſt their own King. This may indeed trouble our Waters and make it good fiſhing for ſome of his indigent Followers; but it were an unpardonable Levity in us, that being in Poſſeſſion of what the *Prince* promiſes, we ſhould chooſe Blood rather than not change the hand that gives it us: He that hath the beſt Right can make us the beſt Title to what we have or want, and it is unreaſonable, both in Conſcience and Prudence, to look any farther; at leaſt, till we are refuſed by him.

The Twenty-firſt Paragraph promiſes *Diſcipline in his Army, and that it ſhall return as ſoon as the State of the Nation will permit.* This is but a Foreigner's word againſt our own King's: Let Allegiance ſpeak which of the two we ought to truſt. The Army conſiſts moſtly of *Foreigners*, of divers Nations and Religions: I fancy no pleaſant ſight to *Engliſh* people; for they muſt live out of their Houſes. But why the Army go back, *and not the Prince?* Does he chooſe to be a Subject here, before a *Prince* at home, or to exchange Principalities? Then 'tis a *Conqueſt*. The words are *Myſterious*, and yet not ſo hard to fathom, when we read the next three Paragraphs.

§. 24. The Twenty-ſecond, Twenty-third, and laſt Paragraph, ſhew but too plainly his Deſign upon the *Crown:* In one, he ſummons the *Nobility, Gentry* and *whole People* of *England* to his *Standard.* If ſo, who muſt ſtay with the King? This does not look like a Treaty, or ſaving the King from his Evil Counſellours, and therefore to be King. In the next, *he will take care that a Parliament be called in* Scotland *for the Reſtoring of that Kingdom alſo, to its old Conſtitution:* And not that the King ſhould do it. The like he ſays of *Ireland*, in his laſt Paragraph of his Declaration: But that which

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moſt of all ſtrengthens this Apprehenſion, is his *Additional Declaration*; which conſiſts of theſe two parts, an angry and ſcornful Reflection *upon the King's late gracious Conceſſions to his People, and that he comes not to Conquer*; both which ſhews it in a ſeveral manner: For if the *Prince* came to *gain* or *oblige* the King to what he pretends he would have Reformed, every ſtep towards it ought to have been received with great Satisfaction and Reſpect, and the cheaper got, the better: But inſtead of laying hold of that Condeſcenſion to carry it farther in a ſofter way, and rejoycing that ſo much was done to his hands, he is Grum, and renders it a Trick, and calling the People *to ſeek a Re-eſtabliſhment of their Religion and Laws under his Arms.* It is a vitious Palate indeed, that thinks Blood gives a Reformation the better Reliſh; Bargains drive hard where that is ſhed, and 'tis rarely ſhed before Tryal made, but to prevent juſt ones; if that be the caſe, let God decide it.

The other Point is *Conqueſt*; he denies it; his reaſon againſt People's believing it is, *That ſo many of all Qualities that invited him hither, would not deſire to loſe their Eſtates, and be made Slaves of.* But what is this to the King, or the reſt of the Nation that don't call him in? He that conquers the *King*, conquers *England*; for His are the People, who has the Crown. He that beats the *King*, ſucceeds to the *Kingdoms*, but not to the *Obligation* the conquer'd Prince lay under: And if he *gets* the Crown by the Sword, they are well-natur'd that think he will not *keep* it by the Sword. His defective Title will require a ſtronger Army to ſupport it: Beſides, it is his Paſſion; his Education has been under that Diſcipline, and his Skill is in Martial Affairs. He told his Father (he now invades) nine Years ago, *That his Army had coſt him* 1300 *Lives to bring it to that Diſcipline it was in.* A ſtory that we, who talk of *Magna Charta's*, *Trials by Juries*, and *Habeas Corpus Laws*, may at leiſure think upon. In fine, he does not ſeem to me to ſeek the King's Compliance in his Declaration, but to fear it; and deſigns to leave no room for it; and is ſo far from being pleaſed with what he hath done, that it has drawn an *Additional Declaration* from him, againſt the Credit of it; and tells, he is not to be truſted, which is to ſay, himſelf is: But if that day come, *Engliſh* Men may pray, that it may be in better Terms than the *States* of *Holland* did, to whom he Swore *never to be Statholder, tho' it ſhould be offered to him*, and yet is now that very *Statholder*, he Swore never to be, on any Terms. Meaſure the Privileges of the preſent *Dutch* Government by the *Standard* of their Antient Liberties, and the Diſ-proportion will be much greater than between *London* and *Brandford.*

I will conclude, that it all looks very odd, and a Contradiction in every part of it. The Prince of *Orange*, that has left no Liberty at home, intends to ſecure ours here, and being a *(Synod of Dort)* Preſbyterian, will Eſtabliſh an *Arminian* Church of *England.* *Independent Ferguſon* comes to ſettle Epiſcopacy. *Balfour*, one of the Murtherers of the Arch-biſhop of St. *Andrews*, to defend our Biſhops from Perſecution. Dr. *Burnet*, with an Army, to maintain *Paſſive Obedience* and *Non-Reſiſtance.* Major *Wildman* and *Manly* to

eſtabliſh

eſtabliſh the Monarchy. Admiral *Herbert*, Sir *Robert Payton* and Captain *Matthews*, to ſecure the Proteſtant Religion, before they have been guilty of any. From ſuch ſort of Protectors, *Good Lord deliver us.*

An ANSWER to a PAPER, intitled, *Reflections on the Prince of* ORANGE's *Declaration.*

IT ſeems a ſtrange Piece of Arrogance that any Man ſhould reflect on a Declaration, becauſe it does not begin as he would have it; that is, with a Manifeſtation of our clandeſtine League with *France*, whereby any Army of *Frenchmen*, together with our *Papiſts*, *Iriſh*, and other Mercenaries, might eſtabliſh Popery in *England*. The Reflector ought to have conſidered, that a clandeſtine League, tho' it may be very notorious as to its Exiſtence and Effects, may likewiſe be very difficult to prove, according to the Meaning of the Word clandeſtine. But that there is ſuch a one, we have the Teſtimony of the King of *France*, in a Memorial delivered to the States of *Holland*; and though it has been ſince diſowned by our Court, and Mr. *Skelton* upon it committed to the Tower; his ſhort Confinement, and ſudden Advancement to a Regiment, ſhews that his Diſgrace was but a Trick of State: It is alſo an inconſequential way of arguing, that becauſe the Prince does not begin his Declaration with it, therefore there is no ſuch League; things of that high Conſequence being eaſier and better carried on by ſecret Meſſages, than Writings under Hand and Seal.

2. In his ſecond Reflection, he tells us the Prince had needed leſs Apology, if he had pretended only to have come to deliver the King from evil Counſellors, and to engage him further in the Intereſt of *Europe*; forgetting the Prince does declare to us he comes for that End, tho' not ſingly, and brought over his Army to ſecure him from the Rage and Fury of thoſe evil Counſellors. His next Quarrel is, that the Prince uſes the Stile, *Of We and Us within his Majeſty's Dominions*; a thing, I believe, ordinary enough in Great Princes, when they ſpeak or write to their Inferiors. The Prince of *Orange* is General of a great and numerous Army, Admiral of a vaſt Fleet, Stateholder to a High and Mighty Common-wealth, and conſequently, too great to ſpeak in the Stile of a private Perſon; ſo that rewarding, puniſhing, commanding, advancing, may very naturally fall within his Power. Nor is it any Crime to endeavour the calling of a free Parliament, and ſettling the Nation, tho' by Ways and Methods unuſual in our Days, nothing being more frequent in our Hiſtories, than for our Barons, with Arms in their Hands, to compel their Kings to call and hearken to their Parliaments: But now there being a ſtanding Army of forty thouſand Mercenaries in the Land, it was grown a Crime to petition for a Parliament, and a Folly to expect a free one, new

Charters

Charters and Corporations, and a general Nomination of incompetent Magistrates, having taken the Election of Members for Parliament out of those Hands, the Laws of the Land, and memorial Custom, had intrusted with them. According to the new Scheme designed by those Upstart and Popish Counsellors, no Man was to elect, or be elected for Parliament, that would not engage, as far as in them lay, to take away the *Penal Laws* and *Tests*; nay, those wicked Counsellors prevailed yet farther upon his Majesty; and he that pardoned so many of his Enemies, was not suffered to forgive his best Friends, and most Loyal Subjects a Refusal or Excuse in that particular.

That the Prince will send back his Army, seems to some a strong Presumption that he will not stay behind, since even our own lawful King thinks himself not safe without an Army of Mercenaries in his own Kingdom. From a strain'd Phrase or two, *Of We and Us*, *Require and Command*, sometimes used in his Declaration, to infer, That the Prince of *Orange* intends to make himself King of *England*, seems to all rational Men a very captious and unsatisfactory way of arguing, and a very unjust Calumny cast upon so great a Prince, since more than once, in express Terms, he declares he has no Design upon his Majesty's Crown or Person; so that all that Reproach falls to the Ground.

3. In his third Reflection, he tells us the Prince wants a clear Call, and that a Son against a Father, a Nephew against an Uncle, a Neighbour against a Neighbour, cannot be such: That he is a Son-in-law, and a Nephew to his present Majesty, gives the Prince a fair and just Pretence to interpose in our Affairs: Had he been a Foreigner, as our *Reflector* terms him, it might have looked like an intended Conquest; had he not been a Neighbour, it had been impossible for him to have afforded us this seasonable Assistance. But some think, that where Attempts are made to introduce the Catholick Religion, by a Conspiracy against the Laws that secure and establish the Protestant Religion and the Test, that can only keep the Papists out of the Government: And to carry on this Conspiracy the better, the old Charters are taken away under Pretence of Forfeiture and Surrender; new ones granted, such as might bring Elections within the Power of those evil Counsellors; Papists upon the Bench, a Jesuit in the Council, and whole Troops of them in the Army: 'Twas high Time for a Protestant Prince, that had so near a Relation to the Crown of *England*, to look about him, and chuse rather to be censured by our Reflector, and such as he, for entering upon the Stage a little before his Time, than be justly reproach'd and curs'd to the End of the World, by all such as love the Protestant Religion, and ancient Government of *England*, for appearing too late in their Defence. The Example of *Henry* the Fourth of *France*, may teach us how hard it is for a Protestant Prince to obtain his Right, where the Catholick Religion is predominant; nor was the new Armour of Popery he put on at last, sufficient to defend the old Protestant against the Stab of a Jesuited *Noviciate*.

4. His

4. His fourth Reflection acquaints us, the Proteſtant Religion is at once expos'd and hazarded; for if the King prevail, what can the Prince of *Orange*'s ſort of Proteſtants expect at his Hands, which are indeed all ſorts of Proteſtants that I know of; for the *Preſbyterians*, *Independents*, *Fanaticks*, *Church-of-England-Men*, are in his Army. 'Tis fair Warning, and I hope God will give the Proteſtants Grace to make the right Uſe of it. As for their changing Maſters, 'tis a *Chimera* of his own, and utterly foreign to the Declaration he pretends to reflect upon. Leſt we ſhould forget, he reminds us with that admirable Demonſtration of, *I ſay, that the whole Proteſtant Religion is at Stake*; for which I heartily thank our worthy Reflector; for tho' it be very true, we had not ſeen it in Print but for him.

5. In his fifth Reflection, he tells us that ſome Laws are better broken than kept, which will not be eaſily granted; 'tis indeed true that ſome Laws were better be repealed than continued: But then they muſt be null'd by the ſame Power they were conſtituted, and not by any Part of it in Contradiction to the Whole.

His inſtance is, That Chriſtianity could not have been introduced had the Pagan Laws been executed; by which Parallel he would warrant Popery to be the true Chriſtianity, and the Proteſtant the Heathen Perſecutors; Laws for Idolatry cannot bind, therefore Laws againſt it cannot; a very ſtrange Inference! And I allow that a lawful Authority, by exceeding their juſt Bounds, may act unlawfully; but the legiſlative Power cannot, ſince all over the World the ſupreme Power ever was abſolute, be it in one or more. He ſays, no Man is obliged to maintain a Religion that is not true, be it never ſo legally eſtabliſhed: ſo that 'tis but ſaying the Proteſtant Religion is not true, and his Majeſty, notwithſtanding his repeated Engagements, is no longer bound to protect it. For in the Words of our Reflector, 'tis an Abſurdity and Impiety to do ſo.

6. The ſixth thing conſiderable in our Reflector is, his Defence of the diſpenſing Power, and the Uſe his Majeſty, ſeduced by his evil Counſellors, makes of it; which is no other than the ſetting aſide of all our Laws made for the Security of the Proteſtant Religion: But ſure ſuch a Prerogative can never be legally veſted in the Crown, which, if admitted, were the Deſtruction of all Law.

Had thoſe evil Counſellors only prevailed with his Majeſty, to have diſpenſed with the Penalties inflicted on Catholicks and other Diſſenters, for ſerving of God according to their particular Conſciences, though perhaps contrary to Law, the Matter had never been complained of: But to put them into Places of the higheſt Truſt, to make one Lieutenant of *Ireland*, another Preſident of the Council, a third Lieutenant General of the Tower, a fourth a Judge; imploying Numbers of them in the Army, Court, *&c.* is a Trangreſſion of the Law, which is certainly very dangerous, if not immediately, yet inevitable in its Conſequences to the Proteſtant Religion and Government, and therefore a Miſchief remote only (as an Egg from a Chicken) from the worthy Reflector's *Malum in ſe*, which he acknowledges this diſpenſing Power extends not to. And the particular Catholicks breaking the Law in theſe Points, are without

Excuſe: For no Man is obliged in Conſcience to be a Judge, a Prieſt, a Miniſter, a Privy-Counſellor, a Courtier, or a Soldier in Time of Peace, contrary to the Laws of the Land. Nor do thoſe Laws deprive the King of the Service of any of his Subjects abſolutely; ſince all Men, if they pleaſe, may capacitate themſelves for Employment. If the High-Commiſſion Court be at an end, *Magdalene*-College and the Biſhop of *London* reſtored, we may in all Appearance thank the Honeſty and Caution of ſome of its worthy Members, and the Noiſe of what our Reflector calls the Prince of *Orange*'s Invaſion; though ſome will ſay, a Deſcent upon *England* made by a Prince of the Blood, married to the eldeſt Daughter of the preſent King, upon the Invitation of many Lords both Spiritual and Temporal, and of the conſiderable Gentry and Commonalty of all Counties, might have deſerved a fairer Name. Nor ought any Man to complain if his honeſt Neighbour break violently into his Houſe at a Time when his Family cry out Fire or Murder; the common Obligations of Humanity, and a due Care of their own Preſervation, exact no leſs of them. But this Paper is not intended for a Vindication of the Prince. I will therefore return to my Reflector again, who undertakes for all good Proteſtants, that they only refus'd to repeal the Teſt, by reaſon of the Security it affords to their Religion. As if they had caſt off all Care of their Civil Concerns, and were only intent upon Religious Affairs, ſo as to give his Majeſty a Majority of Papiſts in the Houſe of Lords; by which he might have two Negative Voices upon all Laws to be offer'd; and an Houſe of Peers ready to repeal the *Habeas Corpus* Bill, and ſuch Statutes as any ways ſeem to incumber what Papiſts think his Majeſty's Prerogative, of which they maintain the diſpenſing Power to be an eſſential Part; and well they may, ſince it is the very Power, by which he maintains them in Places and Employments: So that by leave of my worthy Reflector, the Conſiderations of Religion, tho' they are the principal, are not the only Reaſons, that have determined all good Proteſtants to a Non-concurrence with his Majeſty in the Repeal of the Teſt.

8. In his eighth Reflection he tells us, That Chapels are Places of Devotion; ſo are *Turks* Moſques, and the *Jews* Synagogues; yet no good Chriſtian but would be offended to ſee them multiply'd and encouraged, either in his own, or his Neighbour's Country.

9. In his ninth he tells us, The King was content the Teſt ſhould remain. I anſwer, Theſe evil Counſellors were not content the Teſt ſhould remain, but ſent their Regulators and other Agents, to threaten, promiſe, remove and change the Magiſtrates in all Corporations, in order to the procuring Members of Parliament, ſuch as were to enter the Houſe under ſolemn Promiſes, and firm Reſolutions, to take off the Penal Laws and Teſt, notwithſtanding all the weighty, nay, convincing Arguments they might meet with there to the contrary: A deſperate ſort of Senators, and fitter for *Cataline*'s Conſpiracies than an *Engliſh* Parliament. Nor did theſe evil Counſellors ceaſe to ſollicit even Knights of the Shire, till the general Indignation their Propoſals met with, together

gether with the Noiſe of the Prince of *Orange*'s Preparations, frightned them from a farther Proſecution of their enormous Attempts. He ingenuouſly confeſſes the ſeizing of Charters to have been a Fault, ſo there is no Conteſt between us on that Point; but he adds, That the Prince of *Orange* has nothing to do with it. Now others think him highly concerned in it; for if, according to Sir *Thomas Moore*, *Rex poteſt Juri per Parta mentem, & poteſt & deſtrui*; or according to the Opinion of later Times, a Parliament may make a Bill of Excluſion; a Prince that has ſo near a Relation to the Crown of *England*, ought not to ſuffer any foul Play in the calling together ſuch an Aſſembly as may null his Title, or preclude him of his Right to the Crown in Time to come. 'Tis true, the Counſel for ſeizing Charters was given in the laſt King's Reign, and moſt of them then ſeized; but no Man can deny but ſome have been condemned and ſeized in the Reign of his preſent Majeſty, and reſtored not till the Apprehenſion of the aforeſaid Invaſion; ſo that we are promiſed a *Free Parliament*, only becauſe they cannot put one of their own framing upon us.

10. His tenth Paragraph needs no Anſwer.

11. In his 11th, he tells us there were but two Papiſt Judges, as if the Laws were not broken unleſs the Judges were all Papiſts; or that Judges ſitting contrary to Law could give a legal Sentence. Both theſe Defects he ſuppoſes ſupplied by the *Diſpenſing Power*, a Power ſufficiently baffled by thoſe Gentlemen of the long Robe of Counſel for the Biſhops, and not defended by either Judges or Counſel on the other Side; for which two of the Judges, *Jones* and *Holloway*, loſt their Places on the Bench.

12, 13. His twelfth and thirteenth concern *Ireland* and *Scotland*, and therefore I will leave them untouch'd, to the Gentlemen of thoſe Nations, who beſt underſtand, and are moſt ſenſible of the Oppreſſions they are under.

14. In his fourteenth, he pleads the Validity of the King's Declaration for Liberty of Conſcience, tho' that pretended *Prerogative* has been diſcuſs'd and baffled in *Parliament*, within theſe few Years, and deſerted as ſuch by his late Majeſty; he affirms, that the King, as Head of the Church, might oblige the Biſhops to cauſe the Declaration to be read in the Churches: which if they had complied with, in the Opinion of many good *Proteſtants*, they had precluded themſelves of their Votes in *Parliament* againſt it. For with what Forehead could they vote againſt the Declaration, when they cauſed it to be read in their Churches? an Act amounting to no leſs than maintaining, or owning, the *Diſpenſing Power*.

15. In his fifteenth, he allows the *Prince* and *Princeſs* of *Orange*, have, in Terms full of Reſpect, ſignified to the King their deep Regret which all theſe Things have given them, and their Thoughts about repealing the *Teſt* and *Penal Laws* as an Expedient of Peace; but blames him, it ſeems, for doing all this ſo reſpectfully and privately, and would rather had it done by a *Manifeſto*, that ſome of the *Prince*'s Friends might be impriſoned for delivering it, as Captain *Lenham* is for bringing over the Declaration. He tells us next, the King has come up almoſt to *Fagel*'s Letter, which was the Declaration of their

Minds, *viz.* The Church-of-*England*-Teſt, and Laws of Supremacy to remain; then urging the King's Conceſſions, which may be obſerved to bear date only from the Report of the *Prince*'s Preparations for *England.*

16. He tells us in his ſixteenth, That the *Prince* thinks a *Free Parliament* to be the laſt and great Remedy for theſe Evils; but complains theſe wicked Counſellors are againſt it, for fear of being called to Account, that they had preingaged Voices to take off the *Penal Laws* and the *Teſt*; and regulated Corporations and Boroughs, that ſo they might aſſure themſelves of the Members of *Parliament.* He allows the Charge, but ſays, What has all this to do with the King? No Man ſays it has, and the *Prince* only requires the Removal and Puniſhment of thoſe Evil Counſellors in a *Free Parliament.*

17. Next our Reflector tells, That there never was a *Parliament* abſolutely *Free*, but that Drink, Money, and other evil Arts, have had a great Sway in Elections. This is true, but no Reaſon that we ſhould conſent to a general or fundamental Corruption of our Elections, becauſe we cannot avoid ſome few and caſual ones. Then he would have had the *Prince* have deſired the King to have laid aſide thoſe Evil Counſellors, as if it were not notorious, that the *Prince*'s Diſlike of ſome Men has been their ready Way to Preferment in our Court; and Embaſſadors for *Holland* have been, of late, choſen out of thoſe he has moſt Averſion for; as if theſe wicked Counſellors feared nothing ſo much as a good Underſtanding between his Majeſty and the Prince of *Orange.*

19. In the nineteenth he tells, The Prince and Princeſs of *Orange*'s Queſtion concerning the Birth of the *Prince of Wales*, ſaying, That *during the Queen's pretended Bigneſs, and the Manner in which the Birth was managed, there have appeared ſo many juſt and viſible Grounds of Suſpicion, that not only the Prince himſelf, but all good Subjects in* England, *do vehemently ſuſpect that the pretended Prince of* Wales *was not born of the Queen.*

20. Next our Reflector tells us, *That the Prince ought to have writ to the King for a private Sotisfaction in this Matter, which the King would no doubt have given in the Manner that all reaſonable Men do, when they are examined againſt themſelves.* All Men allow the Imputation of ſuch an Impoſture, to be a great Reflection on their preſent Majeſties. But ſome think they have in a great Meaſure drawn it upon themſelves, by omitting to have thoſe Witneſſes by, and thoſe Methods obſerved, that our Laws require to prove the Birth of a legitimate Prince of *Wales:* 'Tis not perhaps enough to ſay, that there were as many Witneſſes, and as good Proof of it as the Law exacts; ſtill the Queſtion returns, Why not the ſame Perſons? A legal Proof admits of no Equivalent.

Our Reflector will not deny, but that there has been common Fame all over *Europe*, that this Prince of *Wales* was not born of the Body of her Majeſty, and common Belief of it among Proteſtants; this of itſelf were enough to make the next Heir to the Crown look about, and move every Stone that the Matter might be examined by impartial Methods in a *Free Parliament*, which is all

that

that the Prince and Princeſs of *Orange* aim at; for their Proofs to the contrary, it is not to be expected they ſhould acquaint the World with them before the Trial.

22. In his two and twentieth Reflection on the eighteenth Paragraph, where the Prince ſays, *He was invited to this Expedition by many Lords, both Spiritual and Temporal, and many Gentlemen, and Subjects of all Ranks:* Our Reflector is pleaſed to tell him he is miſtaken, as *Monmouth* was. Notwithſtanding thoſe eminent Peers, Gentry and Commonalty of all Sorts that are already in his Camp, and ſuch as are going daily, as well Soldiers as others; nor conſidering the great Number of the Nobility that are in the Country and have not been examined, and that ſuch as were examined here in Town, did no more than anſwer, not Guilty to the Charge of High-Treaſon: So that there are more Nobility and Gentry with him than with his Majeſty.

In his three and twentieth Reflection on the 19*th* and 20*th* Paragraphs, where the Prince refers all to a Free Parliament; our Reflector ſays, it belongs not to him, to refer other Men's Buſineſs; as if the *Prince* had no Relation to the Crown: Then tells us, we are already in Poſſeſſion of what the *Prince* promiſes us; as if the Catholicks were all out of Employment, the Diſpenſing Power given up, no Standing Army, no Apprehenſions of *Popery* and *Arbitrary Power*, and a *Free Parliament* for redreſſing of Grievances of all Kinds in Being.

24. In the twenty fourth Reflection on the three laſt Paragraphs of the *Prince's* Declaration, he tells us, *The Prince has a manifeſt Deſign upon the Crown, becauſe he ſummons the Nobility, Gentry and People of* England *to his Standard: And if ſo, who muſt ſtay with the King?* To that may be anſwered, All ſuch as believe the *Prince of Orange* has brought this Army, and intends to make War upon *England* to ſubdue it to his meer Will and Pleaſure, trample all Laws, both Divine and Human, under his Feet, dethrone his preſent Majeſty, and make himſelf King; they will ſtay and fight for him, or at leaſt to the beſt of their Power, in ſome other Manner aſſiſt and help him: On the contrary Part, ſuch as believe the *Prince* means nothing of all this, but brought over his Army only the better to aſſiſt the Nobility, Gentry, and People of *England*, upon their earneſt Deſires, and frequent Sollicitations, and reiterated Complaints, in the recovering of the old legal Way of chooſing Members for *Parliament*, which by illegal new Charters, on pretended Forfeitures, was in a ready Way to be for ever loſt; in reſcuing all the Laws of *England* from the devouring Jaws of a *Diſpenſing Power*; in reducing *Popery* within thoſe Bounds the Law has preſcribed it, which like an Inundation, had ſo overflowed its Banks, that our Religion and Government were in Peril to be ſwallowed up by it; and finally, to redreſs theſe and all other Grievances, if for theſe and no other Ends or Concerns Men think the *Prince* has landed here, ſuch Men will take his Part, eſpouſe his Quarrel, and contribute to his Succeſs: and in theſe Caſes every Man will judge for himſelf, as they did in our late Civil Wars.

Again, he charges the *Prince* with a Deſign of Conqueſt; which not only the *Prince* himſelf diſclaims throughout his Declaration, and will hereafter diſown in all his Manifeſto's; but the States of *Holland*, who have ſo vigorouſly

aſſiſted

assisted, and engaged themselves with all their Power and Credit, to maintain him in this Attempt, have assured us he left *Holland* under high and solemn Protestations to the contrary. All this is, I hope, sufficient to dash the strained Inferences of an inconsiderable Reflector.

As for that impudent Calumny of *Perjury* he endeavours to fix upon the *Prince*, it needs no other Refutation than a serious Consideration of the Charge itself; his Words are, *The Prince of* Orange *swore to the States of* Holland *never to be their Stadtholder, tho' it were offered him, and yet is now that very Stadtholder he swore never to be on any Terms.* Now let any reasonable Man consider, whether it be possible a wise State should by an Oath given him, disable the *Prince* of *Orange* from being their Stadtholder, tho' Circumstances and Times should so change, that their immediate Preservation and very Existence of their State should require him to accept, and execute that Office. For his personal Reflections towards the latter End, I think very impertinent, and only fit to be buried in Contempt.

Thus having followed my tedious Reflector through his twenty-four Reflections, I take my Leave of him, reserving the *Prince*'s farther Vindication to some Time when I shall be more at Leisure to write, and People willinger to read, than they can be under the present Surprize, hourly Expectation, and continual Anxiety, for the Event of this Heroick Enterprize.

Reflections upon our Late and Present Proceedings in *England.*

THO' no Man wishes better to the Protestant Religion in general, and the Church of *England* in particular, than I do; yet I cannot prevail with myself to approve all those Methods, or follow all those Measures, which some Men propose as the only Security both of the one and the other.

Never perhaps was there a more proper Time wherein to secure our Religion (together with our Civil Liberties) than now offers itself, if we have but the Skill and Honesty rightly to improve this critical Opportunity; but if we shall either let it slip, or abuse it, we may in vain hereafter wish that we had been wise in Time; and have Cause to repent of our Error, when it will be too late to correct it.

What we do now, will transmit its good or ill Effects to after-Ages, and our Children yet unborn, will in all Probability, be happy or miserable, as we shall behave ourselves in this great Conjuncture. They are likely to enjoy their Religion, Laws and Liberties, according to the old *English* Standard, if we shall now take the right Course to secure them.

But if we do engage in wrong Counsels, and build upon false Foundations, instead of a Blessing we may leave a Curse to our Posterity, and entail upon them Popery, Slavery, Arbitrary Power, and all the miserable Consequences

ſequences of a divided Kingdom, which (as ſure as the Word of God is true) can never ſtand.

Let us not therefore be too haſty, but pauſe a while; let us make a Stop, look about us, and conſider, Firſt, What we have done. Secondly, With what Intent we did it. Thirdly, What it is that ſome Men would be at. And, Fourthly, Whether we can in Honour and Conſcience join with them in the Deſigns now in Hand.

I ſhall confine myſelf to theſe Heads: But here before I enter upon any of them, I ſhall take it for granted, that the Prince of *Orange* hath done a great Thing for us, and (under God) hath wrought ſuch a Deliverance for the Nation, as ought never to be forgotten, and can never be ſufficiently requited. He muſt be mentioned with Honour and Gratitude, ſo long as the Proteſtant Name ſhall be remembered: He came not as the antient *Romans* and *Saxons*, to conquer, and lead in Triumph after him our Religion and Laws, our Lives and Liberties; but to defend, preſerve and ſecure us in them all. To this End he undertook this dangerous and chargeable Expedition, which hath hitherto proved as much to our Advantage, as it will be to his laſting Reputation: What he has done argues, that he is moved by an higher Principle than any this World affords, and can overlook his own Eaſe and Security, when the publick Good, and the Concerns of Chriſtianity require his ſeaſonable Aſſiſtance. I could eaſily make a Panegyrick upon his Virtues, and equal him to the moſt famous *Grecian* or *Roman* Captains; but I need not ſet forth his Praiſes, which do ſo loudly, and yet ſo ſilently ſpeak for themſelves. I need not draw any tedious Parallels betwixt his Highneſs and the Worthies of other Ages, ſince I am, I queſtion not, herein prevented by all who have read the Hiſtory of former Times, and are Witneſſes of what he (with ſo much Courage, Mildneſs and Prudence) hath done in this.

1. Things proſpered ſo well under his Conduct, that all of us were ready to ſubmit ourſelves to his Direction, and come under his Protection, as the tutelar Genius of the Nation. The Effects of his Enterprize have been ſo ſtrange, ſo wonderful and ſurprizing, that had we not ſeen, we ſhould ſcarce have believed them.

As ſoon as the Prince was landed, with what Joy and univerſal good Wiſhes was the News received? How forward were all Sorts of People to declare for his Highneſs? How willing were they to lend him an helping Hand for the accompliſhing his great Work? How did we all generally concur, and unanimouſly agree to forget our Obligations to our Sovereign, and aſſiſt the Prince rather than the King againſt ourſelves, and his own true Intereſt?

Nay, the Army itſelf ſoon began to go over, chuſing rather to lie under the Imputation of Cowardice and Diſloyalty (which yet a *true Engliſhman* had rather die than really deſerve) than to be inſtrumental in enſlaving their *Native Country*, and bringing it again under the *Papal Yoke*.

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In ſhort, all Orders of Men, Eccleſiaſtick, Civil, and Military, had their Eyes fix'd upon the Prince of *Orange*, as their common Deliverer, were reſolved to eſpouſe his Cauſe; and accordingly (after the King was withdrawn) did put the *Regal Adminiſtration* into his Hands.

2. So far we have gone; this we have done; and we hope that (the Caſe being extraordinary, and Neceſſity giving a Diſpenſation) the Intent of our Proceeding, will at leaſt excuſe, if not juſtify us, if we have not kept ourſelves within the *common Laws* of Action.

For let every Man lay his Hand upon his Heart, and ſeriouſly aſk himſelf, for what Reaſon, and with what Intent he became a Party in this general Defection? Was it utterly to ruin the King and ſubvert the Government? was it becauſe he was diſpleaſed with the ancient Conſtitution, and had a Mind to mould and faſhion it to his Liking? was it becauſe he had an Intent to ſhake off the Government (that *eaſy, equal, well-pois'd, and never enough to be commended Government*, as King *Charles* I. calls it) of the *Engliſh* Nation? Was it any honeſt Man's Meaning to ſubvert this Government, to make Way for his own Dreams of ſome *Poetical Golden Age*, or a *Fanciful Millenium?*

Was it (let me aſk again) to diveſt the King of all Power to protect his Subjects, and then to pronounce roundly, that all the Bonds of Allegiance to him are diſſolved? Was the End of our uniting together, to bind his Hands, and then prick this Doctrine upon the Point of our Swords: *Protection and Allegiance are Duties ſo reciprocal, that where the one fails wholly, the other falls with it?*

Was it to frighten the King out of his Dominions, and then to vote that he hath *Abdicated* his Government? was this the Intent, and were theſe the Reaſons of our declaring for the Prince of *Orange?* No, certainly, whatever ſome obnoxious and ambitious Men might aim at, all good Chriſtians and worthy Patriots had other Intentions, and were led on by other Motives.

They were ſenſibly concerned for the Preſervation of their Holy Religion, in the firſt Place; their Lives, their Laws, and Liberties in the next. *After the way which ſome call Hereſy, ſo* were they deſirous ſtill *to worſhip the God of their Fathers:* And after that Manner which ſome might ſay was *Rebellion*, ſo they thought themſelves obliged to ſtand up for the *Laws and Liberties of their Forefathers.*

For theſe Ends, and for bringing about theſe worthy Purpoſes, they withdrew themſelves from the King's perſonal Service, that they might be the better enabled to ſerve his real Intereſt. They hoped by this Means to deliver him from his evil Counſellors; and ſecure both him and his Subjects from the evil and pernicious Practices of ſome wicked and unreaſonable Men.

3. Theſe and ſuch-like were the Inducements which prevailed with all well-affected and honeſt Men, to withdraw from his Majeſty, and ſuſpend the actual Exerciſe of their Allegiance for the preſent, that they might after-

afterwards exert it according to the fixed and ſtated Rules of Law, Conſcience, and right Reaſon.

But now, how contrary is this to thoſe new Models, which ſome politick Architects are propoſing to, or rather impoſing upon the Nation? what is it they would be at? and what are the Ends they are driving on? are they juſt and good? are they generous and honorable? or are they not rather ſuch as would undermine the Government both in Church and State, and reduce us to a State of Nature, wherein the People are at liberty to agree upon any Government, or none at all?

Plainly, they would reduce us to the *Dutch*, or ſome other foreign Meaſures (which how well ſoever they may agree with that Country, where they are ſettled and confirmed, partly by Cuſtom, and partly by the peculiar Neceſſity of their Affairs) can never be well received in *England*, till an Act be paſſed to aboliſh Monarchy, Epiſcopacy, and all the fundamental Laws eſtabliſhed by *Magna Charta*, and all ſucceeding Parliaments ever ſince.

The Enquiry into the Meaſures of Submiſſion to the ſupreme Authority, is a Treatiſe calculated for the Times; but ſurely it is not written according to the Principles and Practice of the Church of *England*, in the Time of the renowned Queen *Elizabeth*: I am apt to think, that ſome Regard was then had to the Paſſages which we find in the Scriptures (eſpecially the Old Teſtament) relating to the *Meaſures of Submiſſion*. But theſe Examples weigh nothing with our Author, becauſe they are not for his Purpoſe, *page* 5, 6. I am alſo apt to ſuſpect that Queen *Elizabeth* would not have thanked any Politician for vending this as a certain and fundamental Principle, "That "in all Diſputes between Power and Liberty, Power muſt always be prov-"ed, but Liberty proves itſelf; the one being founded only upon a poſitive "Law, and the other upon the Law of Nature, *pag.* 4. She, I perſwade myſelf, on the contrary, would have challenged any ſuch Stateſman to have proved his Liberty; as for her Power (ſhe would have anſwered) it was ready to prove itſelf againſt all who ſhould preſume to queſtion it. But what's the Meaning of *Power being founded only on a poſitive Law, and Liberty upon the Law of Nature?* Is not a Father's Power founded (as he grants) upon the Law of Nature? and is not all Power, even of the greateſt Princes (as far as it is juſt and honeſt, and for the Benefit of the Subject) derived from this paternal Authority of the Father over his Son? Beſides, doth not the Law of Nature preſcribe the Neceſſity of putting Power into the Hands of one or more for the Benefit of the whole, which otherwiſe wou'd be in Danger of deſtroying itſelf by inteſtine Diviſions? In ſhort, if Liberty be founded upon the Law of Nature, ſo is all juſt and lawful Power, ſince the End of it is only to regulate our Liberty, and in truth to make us more free. Liberty in general is a Right to uſe our Faculties according to right Reaſon: and the Law in particular tells us which are thoſe Rules of right Reaſon by which we muſt govern ourſelves. And what is Law, but the Commands of the Supreme Power (where-ever it is lodged, in the Hands of

the Prince, the Senate, or the People, or of all of them together) ordering what we are to do or avoid, under the Sanction of particular Penalties?

I beg the learned Author's Pardon for queſtioning his Meaſures: In my Judgment they are not taken from the *Engliſh Standard*, and therefore I hope I may without Offence uſe my Liberty in refuſing them (a Right which proves itſelf) till he can prove his Power to impoſe them.

The Enquiry into the preſent State of Affairs, is a Diſcourſe which ſeems (by its bold Strokes) to reſemble the former. I will ſay no more of it but this, if what he there lays down for a certain Truth be really ſo, then all that follows muſt be granted, as reaſonable Deductions from this fundamental Principle; but if this be falſe, all that he hath ſaid falls to the Ground, for want of a firm and ſolid Foundation to ſupport it.

Now the Poſition, which (like a firſt Principle in Mathematicks) he takes for granted, is this, "It is certain (ſays he, *pag.* 1.) that the reciprocal "Duties in civil Societies, are Protection and Allegiance; and whereſoever "the one fails wholly, the other falls with it." This is his Doctrine, which I have mentioned before, but ſhall now conſider a little more particularly.

'Tis indeed moſt fit and reaſonable, that *Protection* and *Allegiance* ſhould always go together, and accompany one another; but that they do not do ſo, is but too plain in the preſent Caſe of *England*. But doth it follow, that becauſe the King is not in a Capacity to protect his Subjects, therefore he is no longer to be look'd upon as a King? And if he be a King, doth not this ſuppoſe that he hath ſome Subjects? And if ſo, I would gladly know what kind of Subjects they are who owe no Allegiance?

But let this Queſtion be rul'd by his own Inſtance, the Duty betwixt Father and Son. Suppoſe my Father to be ſo deſtitute that he cannot, and ſo perverſe, that he will not protect and ſuſtain me; ſuppoſe him as churliſh as *Cain*, and as poor as *Job*; yet ſtill he is my Father, and I am his Son; that is, he ſtill retains all that Power which (by the Law of Nature) a Father ought to have over his Child: Still the Relation holds betwixt us, and whilſt it doth ſo, the Father's Faults or Neceſſities cannot evacuate the Duty of a Son; which is founded not in the Father's good Will or Abilities to defend him (though it muſt be confeſs'd they are chiefly conſider'd) but in that fix'd and immutable Relation which God and Nature have eſtabliſh'd betwixt them, not to be diſſolv'd but by Death. So that if this learned Author will yield (as he ſeems to do) that *Kingly Power* is nothing elſe but the *Paternal*, conſign'd (by the common Conſent of the Fathers of Families) to one Perſon, upon ſuch and ſuch Conditions, (ſpecified in the Contract;) I cannot ſee how this Relation betwixt King and Subject can any more be utterly diſſolved, than that betwixt a Father and his Son.

I ſhall ſay no more to this Diſcourſe; and if what I have already ſaid do offend either againſt the Principles of Reaſon, or the Law of *England*, I am willing to be corrected, and acknowledge my Error.

There is another little Paper, which yet gives ſuch a great ſtroke to the Government, that it ought not to be paſs'd over without ſome Animadverſion.

The

The Sheet which I mean is, that which is call'd *Advice before it be too late*, or *A Breviate for the Convention.* This Paper beſpeaks its Author to be of the ſame Complexion and Principles with him who writ *the Word to the Wiſe*, and *the four Queſtions debated.* They do all of them ſuppoſe, that the Government is fallen to its Centre, or Root from whence it ſprang, that is, to the People (as the *Word to the Wiſe* expreſſes our preſent Caſe.) I know not what can be a more effectual Anſwer to theſe Pamphlets, and take away the Foundation upon which they argue, than that Maxim in our Law, received by all honeſt and learned Lawyers, *The King of* England *never dies.* For if ſo, how is the Government laps'd? And if it be not laps'd, how can the Throne be ſaid to be vacant? And if the Throne be not vacant, we are ſtill a Body Politick, (conſiſting of Head and Members) though much diſtemper'd and out of order, by reaſon of the Infirmities of the Head. We ſtill live, tho' we are not in good Health; and our Caſe doth not require the Sexton to make our Grave, but calls for the Phyſician to apply proper Remedies to cure our Diſeaſe. If the King can dye, 'tis ſuch a Defect in our Government as doth ſtrangely diſparage it, and farther ſuppoſes, that (which hitherto we are all to learn) the Crown is not ſucceſſive.

Now if it be ſucceſſive, it cannot be diſpoſed of by the Will of the People, but only by the Will of God, who in that very moment calls the lawful Heir to the Crown, wherein he is pleaſed to put a Period to the Life of his Predeceſſor. If it be ſaid that the Voice of the People is the Voice of God, I believe that (ſhould this be granted) it would not do their Buſineſs: for I doubt not, but that if the Poll was taken, and the Queſtion put to all People who are of Years of Diſcretion; the Anſwer would be, that they have ſtill a King, and that they are as willing to keep him, as they are deſirous to exclude Popery for ever; that which hath made both him and them ſo unhappy. This, I do not much queſtion, would be the Anſwer, if we ſhould appeal to the Senſe of the People in general; who yet (if the Government be fallen to them) muſt be allowed to have a Right of Suffrage, and a Liberty to ſpeak their Minds as freely as other Commoners in this great Convention.

Further ſtill, if the King never dies by our Law, how can he be lawfully depos'd? For by Depoſition the Throne neceſſarily becomes void for ſome time. There muſt be ſome Interſtice, ſome Space of Time, before they who depos'd a King can ſet up another; and till the King in Deſignation be actually inveſted with the Regal Office, there muſt of Neceſſity be an *Inter-regnum*; that is, the King (contrary to the Mind of our Law) may dye.

The Government of *England* always ſuppoſes a Monarch regulated by Law, and therefore 'tis preſumed that he can do no Wrong; that is, though he may err, as well as other Mortals, yet the Law, of which he is the Guardian, brings no Accuſation againſt him, but only againſt his evil Miniſters. If therefore the King hath err'd, (as doubtleſs he hath very much) in God's Name let his

Miniſters be called to an account; but why muſt the Government be diſſolved, and the King arraigned, condemned and depoſed to make way for any new Scheme of Government whatſoever, whether *French*, *Italian*, or *Dutch?*

Our Hiſtory indeed affords two Examples ſince *William* the Firſt's Time; that of *Edward* the Second, and the other of *Richard* the Second: but they did both of them actually reſign; and beſides, what they did or was done to them, ought to preclude the Right of no ſucceeding Prince. Theſe Examples ought no more to be urged than the Stabbing King *Henry* the Fourth of *France*, or the Murthering King *CHARLES* the Firſt of *England*.

The Hiſtorian, in the Life of *Richard* the Second, gives no very good Character of that Parliament, which paſs'd the Vote for this Depoſition: "The Noblemen (ſays he) partly corrupted by Favour, partly aw'd by Fear, "gave their Voices; and the Commons (commonly are like a Flock of Cranes) "as the firſt fly, all the Followers do the like. *Continuat. Dan. Hiſt. p.* 46.

Let it be here obſerved, that I do not diſpute whether the King, together with his Parliament, may not regulate and entail the Succeſſion, as ſhall by them be thought fit; but only whether whilſt the King lives, whether the Throne can be vacant, and the Government be truly ſaid to be laps'd? This we deny: But however, ſuppoſing that theſe things may be ſo, who can make ſo fair a Claim (and ſo generally ſatisfactory to the People) as the next Heir by Proximity of Blood; I mean (if the Prince of *Wales* be proved ſuppoſititious) that incomparable Lady, the Princeſs of *Orange?*

Theſe Reflections I have thought fit to make upon ſome new Notions of our preſent States-men, by which we gueſs what they would be at. In my Opinion, I think it is but too evident, that they are taking Advantage of our preſent Fears and Diſtractions, to run us into thoſe Extremes which the State (as well as the Church) of *England* hath always carefully avoided, and taken particular care to provide againſt.

4. In this Deſign can we in Honour and Conſcience go along with them; whom yet we cannot but highly eſteem and value for their Learning and Parts, and more eſpecially for their happy and ſucceſsful Labours, in reſcuing us from thoſe groſs Corruptions of Chriſtian Religion and human Nature, Popery and Slavery?

But ſhall we run into Popery, and perhaps Slavery too, when we have been ſo long ſtriving againſt both, and are now (Thanks be to God) in a great meaſure freed from the Danger of either? And is not the Depoſing a Popiſh Doctrine? And is it not as Antichriſtian for any Aſſembly to put it into Practice, as it was for the Council of *Lateran* at firſt to eſtabliſh it?

And as for *Slavery*, muſt not a ſtanding Army be neceſſarily kept up, to maintain a Title founded only upon the Conſent of the fickle and uncertain People (granting that the major part of them are willing?) And in ſuch a caſe muſt we not be beholden to the Goodneſs of the Prince, rather than the Protection of our Laws, if an Arbitrary and Deſpotick Power be not again introduced?

We

We have, as yet, no Law which wholly disables and excludes a Popish Successor from the Throne; and till we have one (which I question not but we shall have soon) I do not see how we can disannul the King's Title, or vacate his Regal Capacity, howsoever his Power may be restrained. Innovations without former Precedent, are always dangerous, especially those of this Nature. It will be much more wise, as well as safe, to bear with some Inconveniences, than bring upon our selves those Mischiefs, which such unparallell'd Proceedings may produce.

The Prince of *Orange* in his additional Declaration hath these Words: "We are confident, that no Persons can have such hard Thoughts of us, "as to imagine that we have any other Design in this Undertaking, than to "procure a Settlement of the Religion, and of the Liberties and Properties "of the Subjects upon so sure a Foundation, that there may be no danger "of the Nation's relapsing into the like Miseries at any time hereafter.

How far some Persons may extend this Clause [that there may be no Danger of the Nation's relapsing into the like Miseries for the future] I cannot tell; but for any one to understand it so, as if his Highness meant, that there could be no Security against the Nation's Relapse, if the King be not deposed, and he himself put into Possession of the Throne, is (I am sure) an Interpretation very disadvantageous to his Honour, and looks more like a Jesuitical Equivocation, than that Candor and Christian Sincerity, which hath brightned and rendered illustrious all the Actions of his Highness, both at home and abroad.

The Answerer also to the Reflecter upon his Highness's Declaration, will not permit us to harbour any such Suspicions, as if a Crown was the End of this Expedition. "All such (says he, *Pag.* 23, 24.) as believe the Prince "of *Orange* has brought this Army, and intends to make War upon *Eng-*"*land*, and subdue it to his mere Will and Pleasure, trample all Laws both "Divine and Human under Feet, dethrone his present Majesty, and make "himself King; they will stay and fight for him (*scil.* the King) or at least "to the best of their Power, in some manner assist and help him: On the "contrary, such as believe that the Prince's Meaning is nothing of all "this, *&c.*

Here, you see, that this Author (who, 'tis to be supposed, was not unacquainted with the Prince's Intentions) utterly rejects it as a false Imputation, that his Highness came to dethrone his *present Majesty, and make himself King*. Nay, he thought himself obliged so fully to declare against this scandalous Report, that he seems to have encouraged all those who believed it, *To stay and fight for the King; or at least, to the best of their Power, in some manner assist and help him* So far was this Gentleman from entertaining any such Thoughts of the Prince's Expedition; which some Men, nevertheless, do now so industriously make the Effect of it.

There is another Thing which makes well-meaning Men apt to suspect the present Management, and with-holds them from closing with it so fully, as other-

otherwiſe, it's probable they might do. That Paper which goes under the Title of the *Prince's Third Declaration*, is (as I am credibly informed) none of his, and is diſowned by the Prince himſelf. Now this pretended Declaration (coming out when the Army was in ſuch a dubious Condition, and fluctuating betwixt the King and the Prince) did more Harm to the King's Affairs, than all the other Papers (I believe) publiſhed at that Time.

And if this was no real, but a ſham Declaration, and yet was permitted without Contradiction; 'tis plain that Sophiſtry and Tricks are made uſe of, as lawful Policies, and that any kind of Means are permitted, if they will but do the Buſineſs, and ſerve the preſent turn. This makes plain and honeſt Men, who have no Ends to ſerve, but what are juſt, and are willing to uſe no kind of Means but what are ſo: This makes them ſhie and cautious of engaging too far in thoſe Deſigns, which they ſee carried on by crafty and deceitful Artifices, working under a military Power and Force ready to defend them.

I might mention the great Number of Papiſts in the *Dutch* Army, as another Diſſuaſive from venturing our ſelves in this Bottom: We are afraid of Papiſts of all Sorts and of all Countries, *German* and *Dutch*, as well as *French* and *Iriſh*; the Conſtitutions of the one may be more harmleſs than of the other; but the Principles of both (we know) are equally deſtructive; and when Occaſion ſerves, who knows but that the Principle may prevail over the Conſtitution, and the *Papiſt* get the better of the *Dutchman?* 'Tis ill truſting Popery in any Shape: This is a Root, which wherever it is planted, can bring forth no good Fruit. The Bogs of *Holland* cannot (we think) make it leſs malignant, than thoſe of *Ireland*.

To come to a Concluſion, there remain ſeveral Things to be cleared, before we can altogether comply with what is now proſecuted with ſo much Zeal.

That the Prince of W. *is a ſuppoſititious Child: That a League was made by our King with the King of* France *for the Deſtruction of his Proteſtant Subjects, and rooting out our Religion, under the Notion of the Northern Hereſy: That the late King was poiſoned; and that the Earl of* Eſſex *was murdered.* Theſe Things we deſire may be proved; and then we cannot but agree, that nothing can be too bad for the guilty Authors.

Theſe are ſuch damnable Villainies, ſuch horrid Crimes, that both the Principals and Acceſſories ought to be eſteemed, and treated no better than *Tories* and *Banditti*, Men of ſeared and profligate Conſciences, forſaken of God, and Enemies to Mankind.

But then ſeeing theſe are ſuch heavy Accuſations and grievous Charges, they ought certainly to be well proved before they be believed, and produced as Arguments againſt the Life, Honour, and Eſtate of any Perſon: for *ſi ſatis eſſet accuſaſſe, &c.* If it be enough to accuſe, where ſhould we find an innocent Perſon?

If

If these dreadful Things can be made out, it would, I belive, not only confirm Protestants in their deserved Detestation of Popery, but create even in the Minds of honest Papists themselves, an Aversation to their own Religion, when they shall see it contriving and executing such cruel and unnatural *Works of Darkness*.

To see a Father setting up a pretended Son against the Interest of his own undoubted Children; to behold a King bargaining for the Destruction of his own Subjects; to represent to our Minds one Brother preparing the deadly Cup for the other, who yet ventur'd his Crown rather than he would *exclude* him from the Hopes of it in *Reversion*; to look upon the same Royal Person plotting and managing the *Assassination* of a captive and helpless Peer. These are such dismal Sights and melancholick Scenes, so full of Horror and barbarous Cruelty, that they must needs make sad Impressions upon the Hearts even of the boldest Spectators; insomuch, that if they were proved, they would effectually prejudice all Men against the Author of such monstrous Barbarities, and go near to extinguish all Obligations of Duty which otherwise they might owe to his Person and Authority.

We must therefore call again for the Proof these Things, or else we cannot (because we ought not to) believe them upon bare Surmise and Hear-say. If these Accusations be cleared once, who can reverence the Person guilty of them, as the Father of his Country, and not rather avoid and fly from him as the worst of Tyrants?

But if these Things be still kept in the Clouds, and wrap'd up in uncertain Ambiguities, all wise Men will think that it would have been better, if they never had been mentioned; because this doth but raise the People's Zeal for the present, which (if not kept up by real Evidence) will be apt to turn to the other Extream, and commiserate the Cause which before it prosecuted with so much Violence. The higher Men's Resentments are raised by objecting the most notorious Crimes, the lower will they fall, if Truth and plain Matter of Fact doth not back and maintain them. And this is an Advantage which I would not have us give our Adversaries in these Things, no more than we have done in the Matters of Dispute betwixt them and us. Here we have proved all our Charges against their Religion; let us therefore prove, or else not so eagerly insist upon these Accusations brought against their Persons.

I shall add nothing farther, but my real Wishes, That I could (tho' with the Loss of all that's dear to me in this World) contribute to the utter *Exclusion of Popery* by all lawful means; and I do, and shall always pray for a Blessing upon their Designs, who sincerely endeavour to *procure a Settlement of the Religion, Liberties and Properties of the Subjects, upon so sure a Foundation, that there may be no Danger of the Nation's relapsing into the like Miseries at any Time hereafter.*

A LET-

A LETTER to a Member of the CONVENTION.

SIR,

I Hear you are elected a Member of this next Convention, and therefore expect to see you very suddenly in Town; but I can tell you my Mind more freely in Writing. and you may think better of it when you see it before you; and therefore I have rather chose to give you the Trouble of this Paper, than to leave all to a personal Conference at our next Meeting.

I will not dispute with you about what is past, or what is to come; it is too late to do the first, and as for the second, whatever becomes of other Arguments, Interest is most apt to prevail, and therefore all that I beg of you, is to take care that you do not mistake your own and the Nation's Interest in a Matter of such high Concernment.

There is no less Affair before you than the Fate of Princes, and of three Kingdoms, which requires the most calm, mature, and deliberate Advice; and yet when you come to *London*, you will find such Distractions and Divisions in Men's Counsels, that all the threatning Dangers of *Popery* were not a more formidable Prospect to considering Men, all old Animosities are revived, and new one's fomented every Day; some are visibly acted by Ambition, others by Revenge; the *Dissenter* is very busy to undermine the Church, and the *Commonwealths-Man* to subvert Monarchy, and *the Lord have Mercy upon us all.* I doubt not but you will readily confess, that it is the common Interest to have things settled upon such a Bottom, as is most like to last, and then, I am sure, you must consult both Law and Conscience in the Matter, and keep to your old Establishment as near as you can; for when there are so many Distempers in Men's Minds, and such contrary Interests, it is no Time to innovate; it is no Time to lay new Foundations, when there are frequent Earthquakes, which will not give them Time to settle: The Revolutions of State have been so quick and sudden of late, that all prudent Men will be cautious how they try Experiments, which are commonly dangerous and uncertain, but especially in Matters of Government, which depend on the good Liking of free and moral Agents; and when so many Hundred Thousands are to be satisfied, you can never guess at the prevailing Opinion, by the major Vote of a Convention.

Let us then consider, what is most likely to give the most general Satisfaction to the Nation; for that, I am sure, is most likely to be lasting. And because you may be a Stranger to these Matters yet, I will give you an Account of the different Projects now on foot, as well as I can learn them.

Some are for sending to the King, and treating with him to return to his Government, under such legal Restraints, as shall give Security to the most jealous Persons, for the Preservation of their Liberties, Laws, and Religion;

and

and if he will not consent to this, to make the next Heir Regent. Others are for declaring the Crown forfeited or demised, and proclaiming the *Princess* of *Orange*. Others will have the Government dissolved, and begin all *de novo*, and make the *Prince* of *Orange* King, or crown him and the *Princess* together, and *postpone* the Title of the *Princess Ann*, till after the *Prince*'s Death, if he survive the *Princess*. I shall not pretend to tell you, which of these I should prefer, were it *res integra*; for the Question is not, which you and I should like best, but which will be the firmest Foundation for the Peace and Settlement of these Kingdoms.

1. As for the first, though it be horribly decried, and such Men foolishly exposed as Friends to *Popery* and *Arbitrary Power*; yet I could never meet with any Man yet, who had the Face to reject all Treaty with the King upon any other Pretence, but that it was in vain, that it is impossible he should give any Security to the Nation that he would govern by Law; which is so ridiculous a Pretence, that it will satisfy no body, but those who are resolved that he shall never return. For, as little as I am versed in this Matter, I could frame such Laws, as should put it utterly out of the King's Power to invade our Liberties or Religion: However, I am sure we should have thought ourselves very secure, would the King have called a *Free Parliament*, and given them Liberty to have made what Laws they pleased; and that which would have given such general Satisfaction before, had it been granted, I suspect, should it be now granted, and refused, that would give as general Dissatisfaction; nay, the very Refusal to treat will be thought such a scandalous Neglect of our Duty to a Sovereign Prince, and give such Jealousies to People, that those who oppose it, are only afraid that the King should comply, as will be the Foundation of universal Discontents, which will shew themselves upon the first Occasion. It is certain, would the *Convention* treat with the King, either they would agree, or they would not agree; if they could not agree upon the Proposal of reasonable Securities, this would satisfy Multitudes of People that they had tried; if they did agree, this would give universal Satisfaction, and there were an happy End of all our Troubles.

But now let us suppose, that Part of the *Convention* should prevail which is against treating with the King, and for deposing or setting him aside without more ado; let us consider what is like to be the most probable Consequence of this.

It is certain, this fundamental Change in the Government cannot be made by any legal Authority; for the *Convention* will not pretend to any such legal Power, and there can be no Parliament without a King; and a King whose whole Authority depends upon a *Convention* that has no such Authority, is but in a weak State as to Civil Right: No Man will think himself bound in Conscience to obey him, and when every Man's Conscience is free, let such a Prince beware of epidemical Discontents. And let you and I calmly consider what Discontents may probably arise upon such a Juncture.

1. First then, All those who think themselves bound by their Oath of Allegiance to defend the King's Person, Crown and Dignity, who wonder at Men of Law, who talk of a Forfeiture or Demise of the Crown while the King lives, and flies out of his Kingdoms only for the Safety of his Person, and because he will not trust himself in the Power of his Enemies; I say, all such Persons will be greatly discontented at deposing the King, and will never own any other King, while their own King, to whom they have sworn Allegiance, lives; and tho' you should suppose such conscientious Men to be very few, yet if these few should happen to be Persons of Character, of known Prudence and Abilities, Integrity and Honesty, in Church or State, their Examples would give a terrible Shock to such a new tottering Government, tho' they were never so tame and peaceable, void of Faction and Sedition themselves.

And yet, let me tell you, you must not judge of the Numbers of these Men by the late general Defection. The whole Nation, I confess, was very unanimous for the *Prince*, great Numbers of Gentlemen, nay, of the King's own Soldiers went over to him, very few but Papists offered their Service to the King; but the Reason of this was very evident, not that they were willing to part with the King, and set up another in his Room, but because they were horribly afraid of Popery, and very desirous to see the Laws and Religion of the Nation settled upon the old Foundations by a *Free Parliament*, which was all the Prince declared for; but many who were Well-wishers to this Design, will not renounce their Allegiance to their King; and now they see what is like to come of it, are ashamed of what they have done, and ask God's Pardon for it, and are ready to undo it as far as they can.

2. Besides a Thousand Occasions of Discontent which may happen in such a Change of Government as this, which no body can possibly foresee, and yet may have very fatal Consequences, there are some very visible Occasions for it besides the Sense of Loyalty and Conscience.

How many Discontents, think you, may arise between the Nobility and Gentry, who attend the new Court? Every Man will think he has some Merit, and expect some Marks of Favour, to have his Share of Honour, and Power, and Profit; and yet a great many more must miss, than those who speed, and many of those who are rewarded, may think they have not their Deserts, and be discontented to see others preferred before them; and those whose Expectations are disappointed, are disobliged too; and that is a dangerous Thing when there is another, and a rightful King to oblige; for Duty and Discontent together, to be revenged of a new King, and to be reconciled to an old One, will shake a Throne which has so sandy a Foundation. The like may be said of the Soldiery, who are generally Men of Honour and Resentment, and have the greater and sharper Resentments now, because they are sensible of their Mistake when it is too late; yet as they ought not to have fought for Popery, nor against the Laws and Liberties of their Country, so neither

neither ought they to have deſerted the Defence of the King's Perſon and Crown, but have brought the Prince to Terms, as well as the King.

Thus you eaſily foreſee what a heavy Tax muſt be laid upon the Nation, to defray the Charge of this Expedition, and I believe the Country would have paid it very chearfully and thankfully, had the Prince reſtored to them their Laws, and Liberties, and Religion, together with their King; but you know Men are apt to complain of every thing, when Money is to be paid, and it may be it will be thought hard to loſe their King, and to pay ſo dear for it too: And tho' what the *Convention* does is none of the Prince's Fault, no more than it was his Deſign, yet angry People don't uſe to diſtinguiſh ſo nicely.

But there is a greater Difficulty ſtill than all this: There are no Contentions ſo fierce as thoſe about Religion; this gave Life and Spirit to the Prince's Deſign, and had the main Stroke in this late Revolution: And though Popery were a hated Religion, yet moſt Men are as zealous for their own Religion, as they are againſt Popery. Thoſe of the Church of *England* are very glad to get rid of Popery, but they will not be contented to part with their Church into the Bargain; for this would be as bad as they could have ſuffered under Popery. The ſeveral Sects of Diſſenters are glad to get rid of Popery alſo; but now they expect glorious Days for themſelves, and what they expect God Almighty knows; for I am confident they don't know themſelves. Now conſider how difficult it will be, for any Prince, who has but a crazy Title to the immediate Poſſeſſion of the Crown, to adjuſt this Matter ſo, as neither to diſguſt the Church of *England*, nor the Diſſenters; and if either of them be diſobliged, there is a formidable Party made againſt them.

This being the Caſe, ſhould the King be depoſed, and any other aſcend the Throne, it will be neceſſary for them to keep up a ſtanding Army to quell ſuch Diſcontents; for where there are and will be Diſcontents without any Tie of Conſcience to reſtrain Men, there can be no Defence but only in Power; and this will raiſe and increaſe new Diſcontents; for it alters the Frame of our Conſtitution, from a Civil to a Military Government, which is one of the great Grievances we have complained of, and I believe *Engliſh* People will not be better pleaſed with *Dutch*, or *German*, or any foreign Soldiers, than they were with their own Country-Men; and I believe *Engliſh* Soldiers will not be extreamly pleaſed to ſee themſelves diſbanded, or ſent into other Countries to hazard their Lives, while their Places are taken up by Foreigners, who live in Eaſe, Plenty, and Safety: And when Things are come to this Paſs, which is ſo likely, that I cannot ſee how all the Wit of Man can prevent it; I will ſuppoſe but one Thing more, which you will ſay is not unlikely, that the King return with a foreign Force to recover his Kingdoms, how ready will the Men of Conſcience, and the Men of Diſcontent be to join him; nay, to invite him Home again; and if he returns as a Conqueror, you will wiſh, when it is too late, that you had treated with him, and brought him back upon ſafe and honourable Terms.

Secondly, Let us ſuppoſe now, that all this ſhould be over-voted (for I am ſure it can never be anſwered) and the Convention ſhould reſolve to proclaim the next Heir.

1. You muſt be ſure to examine well who is the next Heir, that is, you muſt throughly examine the Pretences of the Prince of *Wales*; and yet if you have not good Proofs of the Impoſture, you had better let it alone. For tho' the Nation has had general Preſumptions of it, yet a Male Heir of the Crown is mightily deſired, and People would be very fond of him, if they had one, and ſeem to expect ſome better Proofs than mere Preſumptions againſt him; becauſe common Fame has promiſed a great deal more, and if you ſhould either ſay nothing to it, or not what is expected, it would be a very plauſible Pretence for diſcontented People to quarrel.

2. Suppoſe the Princeſs of *Orange* ſhould appear to be the next Heir, what if a Lady of her eminent Virtue ſhould ſcruple to ſit upon her Father's Throne, while he lives? Or what if ſhe ſhould ſcruple it hereafter, and place her Father in his Throne again? This is not impoſſible; for Virtue is greater than a Throne. For my Part, I think you will put a very hard Thing upon ſo excellent a Lady, and I pray God give her Grace to reſiſt the Temptation. A Regency is more tolerable, becauſe a Nation muſt be governed, and none ſo proper to govern it as the next Heir; but I ſhould think, none who expect to wear a Crown, ſhould countenance Subjects in depoſing their King, nor accept of a Crown upon ſuch Terms, as to take it off of a Father's Head: It is a dangerous Thing for a Prince who has a Title to the Crown, to own that the Crown may be forfeited or demiſed by ſuch a withdrawing; if this be not ſo, the Princeſs has no Right to the Poſſeſſion of the Crown yet; and if it be ſo, her Crown is worth a great deal leſs than formerly it was, eſpecially if ſhe own this Secret by accepting the Crown, which her Anceſtors always concealed, and which the beſt Subjects of *England* would not believe before; what they may do after this, I know not.

Thirdly, The next Deſign (I verily believe without the Knowledge or Thought of the Prince, who has too great a Mind to think of any thing, which in the Opinion of any wiſe Man could ſtain and ſully his Glory) is to give the Crown to the Prince of *Orange*, for it muſt be a Gift, if any thing; for he has no immediate Title to it, that I know of: This is upon a Pretence, that the Government is diſſolved, and therefore we muſt begin *de novo*, which is very ridiculous, when the King is ſtill alive, and the Laws in as full Force as ever, only the Regular Adminiſtration of Government at preſent interrupted by the King's Abſence; but this is not the worſt of it, for it is a dangerous Pretence too, eſpecially to Men of Quality and Eſtates, as you are; for if the Government be diſſolved, our Laws are diſſolved, and Honour and Property diſſolved with them, and then I doubt the Mobile will come in for their Share in the new Diviſion of Lands, and ſet up for Men of as good Quality as any; for if our Laws are gone, we return to a State of Nature, in which all Men

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are equal, and all Things common; this I believe you will not be for, for the Reaſon above-mentioned.

If then the Laws continue, the Government is not diſſolved, and the Crown is not a Gift, but an Inheritance ſtill, as much as your Eſtate is; and then the Prince of *Orange* cannot have it in his own Right, becauſe his own Princeſs, and the Princeſs *Anne* are before him. Conſider then what the Conſequence of this Project would be.

1. This alters the eſſential Conſtitution of the *Engliſh* Government, by changing an Hereditary into an Elective Monarchy, a Thing which I know ſome Men are very fond of; for then the next Occaſion they can find to quarrel with their Prince, they may with as much Eaſe turn it into a Commonwealth; for when the Crown is at the People's Diſpoſal, they may if they pleaſe keep it to themſelves.

2. This will entangle all Men of Conſcience in new Difficulties; for the Oath of Allegiance does not only bind us to the King, but to his Heirs and Succeſſors, which muſt be underſtood of the next lineal Heir, where there is no Authority to alter it; and whatever a Parliament may be thought to have with the Authority and Conſent of the King, no Man ptetends, that a Convention of the Eſtates has any legal Authority to do it. I ſhould be as heartily glad as any Man, to ſee the Prince of *Orange* legally ſeated on the *Engliſh* Throne; but theſe are Difficulties I cannot break through. Thus I have given you my haſty Thoughts, and pray God to direct you.

I am yours.

POSTSCRIPT.

There is one Thing more I would beg of you, that the Story of *French League to cut Proteſtants Throats in England* may be well examined; for this did more to drive the King out of the Nation, than the Prince's Army; and if this ſhould prove a Sham, as ſome, who pretend to know, ſay it is, it ſeems at leaſt to be half an Argument to invite the King back again. In ſhort, remember you are a Convention, not a Parliament, and therefore nothing can give Authority to what you do, but the Good-liking of the People; and as Neceſſity only can juſtify your meeting without the King's Writs, ſo I hope you will take care to do nothing but what will juſtify itſelf to God, the King, and your Country.

An AN-

An ANSWER *to the Author of the* LETTER *to a Member of the* CONVENTION.

Reverend Sir,

YOUR Name, your Quality, your Religion, and your Design in publishing this Letter are wholly unknown to me; but the confident Assertion, *pag.* 3. §. 16. *That you are sure it can never be answered*, sounds so like a Son, or rather a Father of the *Infallible Church*, that it has provoked me, if not to answer, yet at least to reflect upon some Passages in this magisterial Composure.

§. 2. *Whatever becomes of other Arguments, Interest is most likely to prevail.* You, Sir, suppose your Parliament-Man, in these Words, to be one who will regard no Arguments from Justice, Reason, Religion, or the Laws of God or Man; *Interest* is the only thing which is *likely to prevail*; an excellent Complement to a Parliament-Man! But it goes higher yet, and takes in the Majority of the States, for no one Man shall ever determine these great Things.

§. 3. You tell him, That *all the threatning Dangers of Popery were not a more formidable Prospect to considering Men, than the present Distractions and Divisions.* Now surely this is a very bold and daring Stroke; but that I am certain these pensive thoughtful Men are not either very numerous, or very considerable; otherwise, the few of the Church of *England* that are over-thoughtful in this Point, deserve much Compassion, because they disquiet themselves and others out of pure Tenderness of *Conscience*, and an *over-great Loyalty*; but then there is no Danger to be apprehended from them; and they will in Time satisfy their own Scruples, and in the interim, I doubt not, infinitely more Men dread the *Dangers of Popery*, even to this Day, than all the *Commonwealth-Men, Dissenters, ambitious and revengeful Wretches*, which you have so artfully mustered up to fright the *Country Esquire* with, can over-ballance. Strange it is in the mean Time, that the *Dangers of Popery*, which last *October* appeared so formidable, should in so short a Time vanish, or rather dwindle into nothing: But God, by the Ministry of the *Prince of Orange* and his Friends, has brought this about. In the rest of that Section I agree with you, and approve of it.

The two next Sections being only a Representation of the different Parties of Men now upon the Stage, I leave as I find them.

§. 6. *Though the Opinion of those who are for sending to the King, and treating with him to return to his Government, under such legal Restraints, as shall give Security to the most jealous Persons for the Preservation of their Laws, Liberties, and Religion, is horribly decryed,* &c. *yet the only Reason against it is, because it is vain.* Now, Sir, that Reason is so very good, that it may perhaps justify that dreadful Consequence you so shrink at; for though I do not doubt but you are a wonderful *Legislator*, yet if twenty wiser men than you were joined with you to *frame these new Laws*, yet let but a *Popish Prince* have the

Supreme *Executive Power*, and the *Legal Prerogatives*, and he will break through all your Reſtrictions with wonderful Facility, as we have ſeen by Experience. But then if you leave him the Name, and take away the Power of a King, you ſet up a *Common-wealth* immediately, which will not end with your *Popiſh Prince*, but there will be ſtickling to keep all Things in the ſame State in the following Reign, of what Religion ſoever the *Prince* is, which was the Reaſon why the Limitations offered by *Charles* II. in 1679, were rejected.

[And let it be remembered alſo how well that *Prince*, that was ſuppoſed to be a *Proteſtant*, kept his Word, and the ſolemn League and Covenant, which he, ſolemnly with Hands and Eyes lifted up to Heaven, ſwore to obſerve in *Scotland*, *&c.*]

Well, but we *ſhould have thought ourſelves very ſecure if the King would have called a Free Parliament*; yes, Sir, if he would have called it *Freely*, ſo that it had been the Production of his Will without Force; but Sir, it is notorious, he was reſolved the *Parliament* ſhould either not be *free*, or not *meet*; and if your Memory will not ſerve you to recall the virulent *Reflection on the humble Petition preſented by the Lords Spiritual and Temporal the* 17th *of* November *laſt*, in which the Author tells us, *That the ſummoning a Parliament now, is ſo far from being the only Way (to preſerve his Majeſty and the Kingdom) that it will be one of the principal Cauſes of much Miſery to the Kingdom*, &c. and nothing would do then, but driving the *Prince of Orange* out of the Kingdom with Force and Arms. Now I ſay, Sir, if you cannot remember this, you ſhall never be truſted to *frame Laws*, if I can help it.

There is another and a better Reaſon to refuſe a Treaty, than the *fearing the King ſhould comply*. Suppoſe that he ſhould grant all that you can aſk, bating *White-Hall*, *the Revenue*, *the Title of King*, *and the Right of calling Parliaments*, *and making Peace and War*: What Security have we that he will acquieſce in this low reſtrained Eſtate? Oaths, Laws, and Promiſes we had before, but what did they ſignify? Who ſhall be Guarantee? What ſhall we do if he break out again? In ſhort *quis cuſtodiet Cuſtodes?* So that the many who deſire a Treaty, are deſired to read the *Enquiry into the preſent State of Affairs*, that they may not come into the Diſcipline of the ſevere Lady, who has taught the Proteſtants in *France* and *Piedmont* a Leſſon which *England* too muſt have gone through with, if God and *H. W. P. O.* had not ſaved us.

But if the *Convention* ſhould refuſe to treat, and *depoſe the King*, *it would act without a Legal Power*, §. 8. Why Sir, here is no Occaſion to talk of a *Depoſition*, the King is gone of his own accord freely; and they are only to conſider whether we ſhall periſh in a State of *Anarchy*, recall him, and ſuffer over again all that is paſt, and all that was intended, but prevented; or whether they ſhall recognize the next immediate Heir, and enquire who that is? Well, but the next Heir, it ſeems, ſhall have ſmall Joy of it, *his whole Authority depending on a Convention that has no Authority:* In good Time! Will the Authority of this Prince, when acknowledged, depend on the Authority of the *Convention?* Did Queen *Elizabeth* or King *James* I. owe all their Authority to the Parliaments

ments which recognized their reſpective Rights? *But no Man will think himſelf bound in Conſcience to obey this Heir.* Have you, Sir, the Keeping of all Men's Conſciences, or the Knowledge of their Thoughts? I can aſſure you mine is not in your Cuſtody.

§. 9. *All thoſe who think themſelves bound* [ſtill] *by their Oath of Allegiance to defend the King's Perſon, his Crown, and Dignity*, &c. *will be greatly diſcontented.* Why Sir, then they may go over into *France*, and be admitted into his Guards, and perhaps the generous Allowance given him by the *French* King, will maintain them, if their *Hereſy* do not over-ballance their Loyalty, and turn it into a Crime, as it happened to the *Hugonots*. Well, *but they will never own any other whilſt their own King lives:* Aſſuredly this is a wonderful Man, if he could but as certainly inform us of the Number, as he can of the Thoughts and future Actions of the *Loyaliſts*.

Well, but if they ſhould happen to be *Perſons of known Prudence, Abilities, Integrity, Honeſty, though they were never ſo few and never ſo tame, it would give a terrible Stroke to this tottering Government.* Why, Sir, all or the greateſt Part of ſuch Men in the Nation, were a dreadful Body, tho' they were and ever will be *few*; but Sir, there muſt be a conſiderable Body of ſuch Men firſt ſatisfied in the Convention, a Number without Doors are already ſatisfied, and more will when the *States* have paſſed their *Reſolves*; and the Remainder of the Men of this *High Character*, who will ſtill remain Diſcontented, if they are any thing *Peaceable*, though not over *Tame*, will never be able to ſhock the moſt *Tottering Government* in the World *by their Examples*, how well ſoever he thinks of them.

Yet, §. 10. he endeavours to ſhew the Number will not be ſmall, becauſe many who joined with the Prince, *are aſhamed of what they have done, and ask God Pardon for it, and are ready to undo it as far as they can.* Well, Sir, how many ſuch do you know beſides yourſelf? A Liſt of theſe Men were worth the having, and may perhaps be eaſily taken, if one knew how to ſeparate them from the reſt; however, I ſhould not fear greatly the *terrible Shock* of theſe wonderful Men, till I had better Information of their Numbers than you can poſſibly give us. *They were not willing to part with the King, though they were horribly afraid of Popery.* Why, Sir, has the King changed his Religion in *France?* Or are theſe Gentlemen ſo fond of the King, that they would now be contented to ſuffer all that *Popery threatned* ſo lately? Or are they become as weary of their Delivery as they were before of Popery? Or, will they ſacrifice their *Laws, Religion, old Foundations*, and *Free Parliaments* to their Allegiance to their King? If you ſay, Yes, I have done; if no, then you would have what was not to be had, and will not be contented with what may be had; and if the Number of theſe Men is great, farewell to the Liberties, Laws, Religion, and Privileges of *England*, and its Wealth and Inhabitants too; and what is left you may be pleaſed to divide amongſt your Men of *Character*.

To all this he aſſures us, §. 10. *There will be a thouſand Occaſions of Diſcontent*: Juſt a *thouſand*, neither one more or leſs, *beſides* thoſe ſpringing from the

the *Senſe of Loyalty and Conſcience:* Strange, that theſe two ſhould be ſo troubleſome, as to equal, if not exceed the whole *thouſand* that went before.

He that had been before ſo liberal of his Information, now ſets us to gueſs in §. 10. *How many will be diſcontented in the new Court for want of Preferment?* Why, Sir, if you pleaſe to inform me how many Days in *February* ſhall be clear, and how many ſhall be cloudy, I will fall a gueſſing how many in the new Court ſhall be pleaſed, and how many ſhall be diſſatisfied; but when I have done, it will not be worth the While, becauſe this ever happens, and Courtiers have an old Way of keeping theſe Malcontents in Hope, till they fall off or gain what they deſire; and ſo if there ſhould happen to be a Thouſand of them, they will not be able to ſhock the Government, if there is no other Cauſe of Diſcontent than that.

Well, but here *Duty and Diſcontent will mix, becauſe they are ſenſible of their Miſtake when it is too late; For as they ought not to have fought for Popery, nor againſt the Laws and Liberties of their Country, ſo neither ought they to have deſerted the Defence of the King's Perſon and Crown, but have brought the Prince to Terms as well as the King:* Why, Sir, *Nemo tenetur ad impoſſibilia.* The King was never brought to Terms, nor perhaps never will: So that if they had fought at all, it muſt have been for *Popery*, and againſt both our *Laws and Liberties.* Sir, ſhew when and where the King offered us or the Prince any *Terms*, and I will paſs my Word you ſhall be employed to *frame Laws* for the *Convention*, which is certainly a good Employ for one that is ſo expert at it as you pretend to be.

Well, §. 13. *A heavy Tax muſt be laid upon the Nation to defray the Charge of this Expedition:* Why, Sir, are you of the Privy Council to the Prince? Surely he will be able to find ſome other Cauſe, or not make the Tax ſo very *heavy. But Men will be very ſorry to loſe their King, and pay ſo dear for it too.* Yes doubtleſs, a gracious King is a great Loſs; but if he will be gone, and involve us in a War too, *Taxes muſt be paid*, yea, *heavy Taxes*, to ſupport the Charge of it, or *Lewis* will in a ſhort Time teach us what the Prince's Expedition was worth, whatever it coſt.

But this is not all, we muſt *part with our Church too*, the *crazy Title will require the giving the Church to the Diſſenters*, §. 14. The *Diſſenters* have of late acted very well, and perhaps if a wiſe Man has the managing of 'em, and the *Popiſh Emiſſaries* be carefully looked after, we may compound the Quarrel better cheap than the *parting with our Church.* Sir, I am well aſſured a great deal leſs will for the preſent content them; and the King is not immortal, and whenever he dies, the *Crazy Title* will be ſolder'd again, if no body be to blame for giving it another *terrible Shock.*

§. 15. *Should the King be depoſed, or any other aſcend the Throne, it will be neceſſary to keep a ſtanding Army to quell ſuch Diſcontents.* You may be a good *Law-framer* for ought I know, but I will ſwear you are no *Stateſman*; this whole Section is meer Whimſey borrowed from the *Dutch Deſign anatomized*, who had the Folly to talk of governing *England* by an Army of *Dutch* and *Germans*; but why, God knows, except it were becauſe a few were brought over to deliver us, and cannot preſently be returned back to *Holland.*

The Prince is both a wiſe and a good Prince. and knows the Conſequence of keeping thoſe Forces long here, better than a Thouſand ſuch *Law-framers.*

Suppoſe the King ſhould return with a foreign Force to recover his Kingdom, how ready will the Men of Conſcience *be, and the Men of* Diſcontent *to join with them, nay, to invite him Home again!* This looks ſo like a *Roman Catholick Zeal*, that if I were not aſſured he is a *Church of England-Man*, I could not believe but it was a Diſciple of St. *Omers:* But will the conſcientious Men invite the King Home again, with all his Apoſtolick Vicars, Jeſuits, Eccleſiaſtical Judges, diſpenſing Power, and a round Army of *French Dragoons* to teach us the *French* Faith after the *French* Faſhion? Are theſe the Men of *Character*, *Prudence*, *Ability*, *Integrity*, or of Conſcience either? Would one of the Primitive Chriſtians have talked thus, have ſtood for a *Licinius* againſt a *Conſtantine?* Well, if the King *comes in a Conqueror, we ſhall wiſh we had treated.* Truly I ſhall not; I had rather be forced than deceived, for then I know what I have to truſt to; and I would not willingly be acceſſary to my own Ruin.

Well, ſuppoſe this unanſwerable Stuff is over-voted, §. 17. *We are to bring good Proof the Prince of* Wales *is an Impoſture, or elſe we had better let it alone.* Very good, the *Negative* is to be proved; we may gueſs by this what kind of Laws you, Sir, would frame. Well, but if this be not done, the *diſcontented Men will have a plauſible Pretence to quarrel:* What the conſcientious Men will do we muſt gueſs, but in all Probability they will not be better qualited.

What if the Princeſs of *Orange* be a Lady of that *eminent Virtue* that ſhe ſhould ſcruple to ſit upon *her Father's Throne* whilſt he lives? Well, his Majeſty has deſerted his Throne and Kingdom when he needed not, except he had pleaſed; and ſome body muſt ſit upon his Throne, tho' he is yet alive: Now if it be her Right after his Death, why not now? Our Author is at his Prayers, that *God would give her Grace to reſiſt the Temptation*; and I at mine, that the Author may never be one of her Chaplains till he is better informed. The reſt of that Section is not unanſwerable, but not worth anſwering.

He has all along ſuppoſed the Prince of *Orange* crown'd, yet in the nineteenth Section he proves he can have no Right to it, neither by *Deſcent* nor *Gift*; and truly I am of the ſame Mind for many Reaſons, and eſpecially for the ſake of the Three alledged by him, §. 20, 21, 22. and for ſome others too of as great Weight, which may be found *in the Lord* Verulam's *Hiſtory of* Henry VII. And yet our Caſe now before us has three Difficulties that *that* had not, 1. A King living. 2. A Prince of *Wales*, true or falſe. 3. A Nation divided in Religion; to which I might perhaps add the *Exceſſive Power of France*, and the *Exceſſive Zeal* of this Generation to preſerve the Deſcent of the Crown in the right Line, and in the legal Steps and Degrees. And this being done, I am perſuaded nothing can divide the *Engliſh* Nation, or leſſen their Zeal and Affection to the Prince of *Orange*, who has deſerved the Crown, if it were ours to give him.

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The Poſtſcript, which is an *Hue and Cry* after the *French League to cut our Throats*, I leave to the *Convention:* And if I durſt be ſo bold as to aſk a Favour of them, it ſhould be to enquire what the *Roman Catholicks* meant by that Threat of theirs, ſo frequently printed and ſpoken by them, *If fair means would not obtain the Repeal of our* Penal Laws *and* Teſts, *foul ſhould.*

Now for a Concluſion, I would deſire you, Sir, to propoſe your method of Reſtoring the King, and Securing our *Laws* and *Religion*, and it ſhall go hard but I will ſhew you it is impracticable, or impoſſible, that it will never be granted; or if it be, never obſerved: And if you pleaſe to bleſs the World with a Receipt of an *Obligation* that will bind the Conſcience of any other *Roman Catholick* ſo faſt, that neither *Jeſuit* and *Pope* can break or untie it, I aſſure you I will join with you in a Petition to the Convention, for a Treaty forthwith, without any other Terms to be propoſed than the giving us that Security, whatever it is. And in the Interim, I am,

Jan. 24. 1688-9. *Sir, Yours,* &c.

A LETTER from a Gentleman in the Country to his Correſpondent in the City, concerning the *Coronation Medal*, diſtributed *April* 11. 1689.

[*A Specimen that* Jacobitiſm *begun with the ſame Spirit of Miſrepreſentation and falſe Prophecy, in which has ſubſiſted.*]

SIR,

YOU have obliged me very much by the Account you gave me of the Coronation: But I have had ſome Remarques from another hand, concerning the Truth of which I ſuſpend my Judgment till you inform me better.

I ſhall give you the Relation in the very Words, as I received it.—There was one thing which much afflicted all true *Engliſhmen*, becauſe it is believed it never hapened ſince *William* the Conqueror's time; which was, that a King and Queen of *England* ſhould make their Proceſſion at the Coronation through a treble Rank of Armed Horſe and Foot all Foreigners. It grieved us all to ſee, that for want of ſome Interpreters betwixt them and the Multitude, which uſually preſs upon ſuch Occaſions, an Infinite of the poor *Engliſh*, even well-wiſhers to the new King and Queen, were not only rudely treated with ſtern Countenances and *Dutch* Curſes, but continually puſhed back with the But-ends of the Soldiers Muſquets, or the Serjeants Halbards, and ſometimes received broken Heads, or as dangerous Bruiſes if they did but endeavour to get nearer. I ſaw my ſelf many Perſons knocked and puſhed upon the Breaſt with the Troopers Piſtols, and pricked with their Swords for endeavouring to crouch under the Horſes heads; and when any one offered to get nearer through the Ranks of Horſemen, where they found Protection at former Coronations by their own Country-men; theſe rude Strangers were ſure to check their Horſes and make them Curvet or turn round, which could not be without the hazard of breaking their Legs, or Bruiſing thoſe that were in the way. I need not

mention the toſſing and puſhing Men and Women from Place to Place, and dragging them through the Kennels, more like Slaves, nay Dogs, than Chriſtians, which made many Spectators ſigh and pity the Condition of ſeveral hundreds whom they ſaw ſo uſed; whilſt others were not afraid to ſay, what moſt I believe thought, that this was but the Beginning, and a light Matter in Compariſon of what the whole Body of the *Engliſh* Nation (who are not now it ſeems to be confided in) muſt ſuffer under theſe new *Lord-Danes* before the King can be ſettled in his Throne that he may ſafely diſmiſs his Foreign Force; nay ſome they ſay had their Sculls broken and died in the Crowd, though this is endeavoured to be ſtifled.—Neither do you mention the unluckly *Qualm* my Correſpondent tells me the King had; nor the Duke of *Norfolk*'s Fall from his Horſe, when he uſhered in the Champion, which were ſomething Ominous.

The Gold Medal you ſent me, the true Meaning of which you deſire me to explain, gave me and ſome Friends of mine no ſmall Diverſion. And to deal plainly with you, I think the Contriver of it hath done their Majeſties little Service.

I need not tell you that the Cuſtom of ſtamping Medals (upon whoſe Reverſes the Inaugurations, Victories, or great Achievements of Princes or Generals, were repreſented either expreſly or by ſome Emblem) is as old as the firſt Coinage of Money by the *Grecians* and *Romans*. Nor that in the laſt Century and this they have been improved, and many ingenious Devices invented ſuitable to the noble Enterpriſes which were by thoſe Means to be perpetuated; and are to be found in the Repoſitories of Princes, or publiſhed by *Luchins* and others on that Subject. Inſomuch, that we find even *John* of *Leyden* after he had gotten entire Poſſeſſion of *Munſter*, and filled it with his Crew of *Anabaptiſts*, notwithſtanding his pretended Sanctity and Mortification, coined ſeveral Medals, which were indeed very Ominous to him; for this *Muſhroon*-King, ſprung from *Holland*, continued not above ſix Months, before he was hung up in an Iron-Cage, with ſome of his Complices, upon the Top of a Tower in *Munſter*.

I might give you various Inſtances of auſpicious inaugural Medals, but that I intend this only as a Letter. Therefore I ſhall proceed to the preſent Medal, which, of what Nature it will be, Time alone muſt ſhew; yet I foreſee it will give great Occaſion to the Maligners of our new-crowned King and Queen to paſs their malicious Cenſures on it.

One of my Friends viewing the two Faces of the King and Queen, ſaid, That ſuch Conjunctions in *Medals* had oftentimes proved unfortunate; for he had, not long ſince, by him the *Medal* made for the two *Dewitts*, which much reſembled this, if the Head Attire had not been different, whoſe inhuman Butchery by the Mobile of *Amſterdam*, gave the very firſt Riſe to the then blooming Prince of *Orange*'s Greatneſs: And all the World (ſays he) knows that King *Philip* and Queen *Mary* of *England*, and King *Henry* and Queen *Mary* of *Scotland*, whoſe Faces and Names were joined in their Coins and *Medals*, were not very fortunate. But I told him, ſince the Parliament had joined them in the Sovereignty, they could not be diſ-joined in their Coin, and I doubted not but their Fortunes would be alike, good or bad.

When

When I received the Reverſe, I was heated into an Indignation that any Perſon ſhould be ſo indiſcreet, as to chooſe an *Emblem* upon ſuch an Occaſion, ſo ſubject to Miſ-interpretation as this would be. For as *Julius Cæſar* ſaid to his Wife *Calphurnia*, *That it was not enough that ſhe ſhould be innocent, but that ſhe ought to be ſo cautious in all her Actions, that ſhe ſhould be free even from Suſpicion*; ſo ought it to be with *Emblems* and *Medals*; they ought to ſignify and expreſs ſo clearly, the Worth and Greatneſs of thoſe Princes Actions which they repreſent, that no ſiniſter Interpretations might be made of them. And this Indignation was increaſed by the Reflection which a Gentleman made, who firſt look'd upon the Reverſe with me.

This Gentleman ſeeing a Chariot, but not underſtanding the *Latin* Inſcription, and having heard the Town talk of *Tullia*, who inſtigated her Huſband *Tarquinius* to kill her Father *Servius Tullius*, King of the *Romans*, that he might ſucceed him in the Throne, and, as *Livy* ſays, *Cauſed her Chariot to be driven over his mangled Body*; cried out, *Is this* Tullia's *Chariot?* This I ſay ſhock'd me, and raiſed my Anger againſt the Contriver, who had choſen ſo ill an *Emblem*, which upon ſo ſuperficial a View, brought ſuch an odious Hiſtory into Mens Minds.

Another By-ſtander ſeeing the *Figure* which repreſented *Phaëton*, whom the Poets feign to have obtained Leave of his Father *Phœbus* to guide his Chariot for one Day, and who by his want of Skill to govern the Fiery Horſes, had like to have ſet the World on Fire, had not *Jupiter* ſtruck him dead with a Thunder-bolt; exclaim'd againſt the *Emblem* as full of ill Omens, and ſaid, *That the People knowing that this King and Queen had, not by Permiſſion, but by Violence, aſcended their Father's Throne, would look upon this as his Chariot which they drive*, and interpreted *Jupiter*'s Thunder-bolt *as a Sign of ſome Judgment of God impending over our Gracious Prince, for this*, which he called, *An unnatural Uſurpation.*

This made my Cheeks and Ears to burn; and I told them, they were both extreamly wide of the Inventor's Meaning. For by *Phaëton* he meant King *James*, who by Miſ-government had endangered the Deſtruction of this Kingdom, and that God having Compaſſion on his Church and People, had ſtruck him from his Regal Seat.

But another Gentleman then preſent ſaid, That although he verily believed that was the Contriver's Meaning, yet there were ſo many Exceptions to the Congruity of that Fable with the Circumſtances of King *James*'s Reign, that he might as well have offered the War of the *Giants* againſt *Jupiter*, as this, to repreſent the inaugural Glory of our King and Queen, which ought to have been the only Subject to be conſidered.

He ſaid, that *Phaëton* could never repreſent King *James*; ſince the Throne or Chariot belonged ſolely to him, as Hereditary Lawful King; neither could it be ſaid that he had aſked any one's Leave to guide it. But that all Men knew an *Uſurper* was the *Moral* of *Phaëton* in the Fable, and an *Uſurper* in his Father's Reign.

Moreover (ſaid he) if King *JAMES* muſt be *Phaëton*, then King *William* muſt be *Jupiter* that ſtruck him out of his Chariot, or *Phœbus* that reaſſumed

assumed it after he had been Thunder-struck; and how disagreeable this was to the whole Scope of the Fable, was obvious to every School-boy that read *Ovid*'s *Metamorphosis*. Nay, he farther affirm'd, That this *Emblem* seems to presage King *JAMES*'s Returning to his Throne again, and if so, it would be congruous in almost all its Circumstances.

I must confess, Sir, I could not heartily contradict this Gentleman; but wish'd the Author had either consulted Books or Men, for a more significant and unexceptionable *Emblem*. But since he has been so unfortunate, if not malicious, if you know the Person, advise him to get himself included in the *Act of Indemnity*; it being a Crime, equal to the Counterfeiting the King's Coin, to contrive a *Coronation Emblem* that gives such Occasion of Censure and Reflection to the *Malcontents*, and *Maligners* of King *William*, our present *Phœbus*, from whom we expect a *Wonderful Deliverance*.

April the 16*th*, 1686. *Sir, I'm yours.*

A TABLE of all the Accurate REMARKS *and new Discoveries, in the most Learned and Ingenious Mr.* ADDISON'S *Book of Travels.*

WILD Thyme, Lavender, Rosemary, Balm and Myrtle, sometimes grow within a Yard of each other, and are above five different Sorts of Plants, though some may vainly think they are only five in Number, Page 2.

How the Captain of a Ship fell upon his Knees and confessed himself to a Capuchin, 6.

Nothing makes Men sharper, and sets their Hands and Wits more on Work than Want, 9.

How the Bishop of *Salisbury* ran down with the Stream of the *Tesin* thirty Miles in an Hour by the Help but of one Rower, 24.

How the outside of a Church may sometimes look much whiter and fresher than the inside, 27.

A Profusion of Marble, tho' astonishing to Strangers, is not very wonderful in a Country that has many Veins of it within its Bowels: But tho' the Stones are cheap, the Working of them is very expensive, 27.

Little Images make up the Equipage of those that are larger, 28.

A Picture in Fresco of the Marriage of *Cana*, very much esteemed; but the Painter, whether designedly or not, the Author cannot tell, has put six Fingers to one of the Figures, 32.

The Difference of Manners proceeds chiefly from the Difference of Education, 44.

The Agitations of the Body don't only give the *French* a free and easy Carriage, but have a kind of Mechanical Operation on the Mind, 45.

In *Spain* there is something more serious and composed in the Manner of the Inhabitants than in *France*, 46.

Mirth is more apt to make Proselytes than Melancholy, *Ibid.*

The Reason why the common People of *Italy* have so very great an Aversion to the *French*, is certainly the great Difference that there is in the Humours and Manners of the two Nations, *Ibid.*

The

The principal Motive among moſt of the *Italians* for their favouring the *Germans* above the *French*, is this, *viz.* That they are entirely perſuaded it is for their Intereſt, 48.

White Mulberry Trees furniſh Food for great Quantities of Silk-Worms with their Leaves, as the Swine and Poultry conſume their Fruit, 60.

Bridges at *Venice* are without any Fence, which would be a great Inconvenience to a City leſs ſober, 85.

Monuments erected to ſuch as have been Benefactors to *Venice*, are generally put up after their Deaths, 87.

The Author queſtions not but the ſecret Hiſtory of a Carnival at *Venice* would make a Collection of very diverting Novels, 96.

There are indeed many extraordinary Ruins about *Naples* and *Rome*; but the Author believes a Traveller would not be ſo much aſtoniſhed at them, did he find any Works of the ſame kind in his own Country, 225.

'Tis probable the ancient Sepulchres were adorned more or leſs, according to the Quality of the Dead, 229.

A Dog that has his Noſe held in the Vapour of the *Grotto del Cani* dies in a very little Time; but if carried into the open Air, or thrown into a neighbouring Lake, he immediately recovers, 230.

The Author obſerved how long a Dog was dying the firſt Time, and after his Recovery, and found no ſenſible Difference, 231.

A Man in going up Mount *Veſuvio* ſinks almoſt a Foot in the Earth, and generally loſes half a Sep by ſliding Backwards, 238.

The next Eruption of the *Veſuvio* will probably break in Pieces its falſe Bottom, and quite change the preſent Face of Things, 241.

Colour does not lie within the Expreſſion of the Chiſſel, 330.

After a very turbulent and noiſy Courſe of ſeveral Miles among the Rocks and Mountains, the *Teverone* falls into a Valley, where it recovers its Temper as it were by little and little, 373.

A Shoemaker beatified, tho' never ſanctified, 391.

The Author had the good Luck to be at *Florence* when there was an Opera acted, which was the 8th he had ſeen in *Italy*, 408.

The Author never ſaw any Figure of Sleep that was not of Black Marble, which has probably ſome Relation to Night, that is the proper Seaſon for Reſt, 416.

The Statue of *Venus* of *Medicis*, much leſs than the Life, as being perfectly naked, and in Company of others of a larger Make. It is notwithſtanding as big as the ordinary Size of a Woman, as I concluded from the Meaſure of her Wriſt; for from the Bigneſs of one Part, it is eaſy to gueſs at all the reſt, 420.

The Duke of *Tuſcany* is not likely to have any Legitimate Children, becauſe he lives ſeparate from the Dutcheſs, who is at preſent in *France*, and intends there to end her Days, 424.

The Author finds a Difference betwixt the Northern and the Southern Side of the Mountains, 431.

A New Stair-Caſe that Strangers are generally carried to ſee, where the Eaſineſs of the Aſcent within ſo ſmall a Compaſs, the Diſpoſition of the Lights, and the convenient Landing, are admirably well contrived, 433.

The

The Wars in *Italy*, and the Season of the Year, made the Author travel faster than he would have done at any other Time, *Ibid.*

The Story of *Phaëton* and his Sisters, whom *Ovid* should have metamorphosed into Laurel-Trees and not into Poplars, 438.

Water is of great Use when a Fire chances to break out, 443.

The Court of *Turin* is reckoned the most splendid and polite of any in *Italy*, but by reason of its being in Mourning, the Author could not see it in its Magnificence, *Ibid.*

One may easily trace out the Marches Armies make, by the Ruin and Desolation they leave behind them, 444.

The Lake of Mount *Ceunis* is well stocked with Trouts, 445.

The Author saw in several Parts of the Alps vast Pits of Snow, 459.

If it happens that any particular Fountain takes its Rise from any Reservoirs of Snow, it will naturally begin to flow on such Hours of the Day as the Snow begins to melt, but as soon as the Sun leaves it again to freeze and harden, the Fountain dries up, and receives no more Supplies till about the same Time the next Day, 460.

A Cobler of *Lausanne* had the casting Vote for the Life of a Criminal, which he very graciously gave on the merciful Side, 466.

The Author thinks the *Rhone* guided by the particular Hand of Providence, because it rises in the very Heart of the Alps, and has a long Valley that seems hewn out on purpose to give its Waters a Passage amidst so many Rocks and Mountains that are on all Sides of it, 469.

Had this River been left to itself, it would never have found its way among the Alps, 470.

Snails are esteemed excellent Food when well dressed, 474.

Snails nestle all the Winter Season, *Ibid.*

A *Switzerland* Barn, which neither Mice nor any other sort of Vermin can creep up the Sides of, 476.

Tho' the Publick Walks that lie by the Great Church at *Bern* are as high as most Steeples in *England*, yet about 40 Years ago a Person that was in his Drink fell from the Top to the Bottom, without doing himself any other Hurt than the breaking of an Arm, *Ibid.*

It is very well worth a Traveller's While to look into all that lies in his Way, 477.

Troughs of Water in the Roads, wonderfully commodious in a Country that abounds with Horses and Cattle, 480.

How the Author mistook Linnen on the Ground for a Lake, 490.

The Alps is the worst Spot of Ground in the World to make Conquests in, 497.

The Holiday-Cloaths of the People at *Bern* go from Father to Son, and are seldom worn out till the second or third Generation; so that it is a common Thing to see a Countryman in the Doublet and Breeches of his Great Grandfather, 503.

The Author has been told of an *English* Merchant at *Lisbon*, that after some great Disappointments in World resolved to turn Quaker or Capuchin, 516.

The Author's Merchants advised him not to venture himself in the Duke of *Bavaria*'s Country.

A LETTER to a Friend, adviſing in this Extraordinary Juncture, how to free the Nation from SLAVERY for ever.

SIR,

I Doubt not but the Wiſdom of the Nation will take the moſt effectual Way to ſecure our *Religion*, our *Liberties* and *Property*. However, being a Lover of all theſe, I cannot forbear communicating my Thoughts unto you, with an Aſſurance you will conſider them.

God hath done great Things for us, and yet the greateſt Thing is not yet done; there are many Difficulties in the Way, and many more will be thrown into it. *Slavery* is moſt to be dreaded at this Time: What is done muſt be chiefly to guard againſt it. How to do it is the principal Buſineſs of the Great Men in the next *Convention*. To know where we are, is the firſt Step to be taken. Is the Government diſſolved, or only under ſome Diſorders? If the latter; are the Diſorders ſuch as muſt be laid to the Charge of the King, or to his Miniſters, or both? If to the King; are they ſufficient to depoſe him? If that be done, are we more ſecure from *Slavery* than now? Will there be more than a Change of Perſons in the Throne? A Child for a Father, a Proteſtant for a Papiſt? And in a few Years the Succeſſion may fall to the Queen of *Spain*, or Ducheſs of *Savoy*, both Roman Catholics, and we in as great, or greater Danger of *Popery* and *Slavery*, than we were the other Day; the Conſtitution remains the ſame, the *Jura Majeſtatis*, viz. the *Militia*, the Power to make War or Peace, the chuſing Judges, Sheriffs, *&c.* ſtill in the Perſon of the King; or if only by one Parliament reſtored to the People, another Parliament may give them the King again. *Leges Poſteriores priores abrogant.* And who can tell what Conteſts there may be about the Right of the Crown. The Depoſed Prince is alive, and his Right by Sword will be diſputed, *&c.*

If the Government be diſſolved, the Power devolves on the People; no one can claim the Crown; the Royal Family is as it were extinct; the People may ſet up what Government they pleaſe, either the old, or a new; a Monarchy abſolute, or limited; or an Ariſtocracy or Democracy. If a Monarchy limited, ſuppoſing it moſtly ſuited to the Temper of the *Engliſh*, they may chuſe what Family they pleaſe to ſit in the Throne: They may ſettle it on the *Princeſs of Orange*, *Princeſs Anne*, the *Prince of Orange*, and for Want of Iſſue, on whom elſe they think meet. Theſe hold not by Virtue of an old Right, but by Reaſon of the People's placing it upon them, and the Monarchy may be thus, *de Novo*, made Hereditary, and the *King* and *Prince of Wales* gone, having loſt their Right by the Diſſolution of the Government. The *Jura Majeſtatis*, the *Militia*, the Power of War and Peace, or the Power of the Sword, with the Power of making Judges, Sheriffs, *&c.* may be lodged

where now the Power of Legiſlature is, *viz.* in King, Lords, and Commons, which will neceſſitate frequent Parliaments, and make it impoſſible for the Monarch to enſlave us. There are but two Ways by which *Slavery* can be brought on us, *viz. Force*, or *Injuſtice*. The *Militia*, or Power of the Sword, being in the People, we are ſecured from the Miſchief of *Force*. The Power of making Judges and all the Miniſters of Juſtice, being alſo in the People, they cannot be ruined by *Injuſtice*.

But we muſt do no Evil that Good may come of it. Is our Government diſſolved, or is it not? If there be a Diſſolution, is it of the Conſtitution, or only of the Form of Adminiſtration? I confeſs myſelf not Stateſman enough to be acquainted with the Fineſſe of the Politicks, but am apt to run the old Road, and pleaſe my ſelf with an old Diſtinction, all Power is *Originally*, or *Fundamentally* in the People, *Formally* in the *Parliament*, which is one Corporation made up of three *Conſtituent Eſſentiating* Parts, King, Lords, and Commons, ſo it was with us in *England*. When this Corporation is broken, when any one Eſſentiating Part is loſt or gone, there is a Diſſolution of the Corporation. The *Formal* Seat of *Power*, and that *Power* devolves on the People. When it is impoſſible to have a Parliament, the Power returns to them with whom it was originally. Is it poſſible to have a *Parliament?* It is not poſſible. The Government therefore is diſſolved.

If what is eſſential to our Conſtitution be invaded or raviſhed from us, the Conſtitution is broken. I will inſtance in two Things eſſential to the Conſtitution. That the People chuſe their own *Repreſentatives*. And that their *Repreſentatives* have ſuch an Intereſt in the *Legiſlation*, that no Laws be made or abrogated without their Conſent. The deſtroying one or both of theſe, ſubverts the Foundation of our Government.

The Government being diſſolved, what muſt the People do? Care muſt be taken that the Government to be erected be ſuch as will perfectly ſecure us from *Slavery*; and be a Fence inviolable to the *Liberty* and *Property* of the People; and the Rights of Majeſty muſt be therefore lodged with the *Parliament:* this will be grateful to the People. The Way of doing it muſt be *Great*, *Aweful*, and *Auguſt*, that none may be able to quarrel it. A National Convention made up of the *Repreſentatives* of the Community: That the Convention may be truly National, and repreſent the Community, it muſt be larger than a Houſe of Commons ordinarily is. It is this Convention that ſets up what Kind of Government they pleaſe. If they will have a Parliament made up of King, Lords, and Commons, it is ſufficient that this Convention is ſo pleaſed. The Power of this Convention muſt be abſolute and uncontrolable, accountable to none but God. It gives Laws to Kings, yea to the whole Parliament, and ſets Bounds unto it; it ſhall go ſo far, and no further. No Act of Parliament can be ſtrong enough to move the Foundation laid by this Convention. The Convention therefore, as it has more Power than a *Parliament*, and is its *Creator*, muſt have a larger Body. What think you therefore, if the firſt Thing done by the approaching Convention, be the increaſing their Number. What if they double it? Whether by ordering every Market-Town to ſend up their Repreſentatives, or every Hundred, or Wapentake, *&c.* or by ſome other Way; according to the Proportion of People, and publick Payments,

ments, as the wise Men of this Convention shall judge most practicable, that it may be the *Grand Council* of the Nation. I have unburdened my self, and am

Your humble Servant.

Jan. 5, 1688.

[In the COLLECTION of Sir *Thomas Webster*, Bart.]

Good Advice before it be too Late:

Being a BREVIATE for the CONVENTION: Humbly Represented to the Lords and Commons of *England.*

WHEREAS we cannot but be made very apprehensive by those several efficacious Papers, such as Dr. *Burnet*'s, Mr. *Ferguson*'s, *A Word to the Wise*; and another as close, *Four Questions Debated**, and the like; which go about, lest the swaying Part of the Nation should be so much intent upon One Thing, as that Others be neglected; or lest they be so taken up with putting the Crown upon an Head most deserving it, as that they forget what is to be done first; which is, The Consideration of the Constitution of the Realm, and the declaring that Constitution, before any Person be admitted into actual Regiment; it being common for those that look but on one Thing to be too sudden. We therefore judge it meet, That this ensuing Paper, which was in a few Copies given to some Members of the Houses, for preventing that Evil, should also be made public, to go abroad with such Papers as those of the former Nature. For, as it is wise in a People, when they make any Compact, whether with their Rulers, or others, that though they believe the Party they deal with to be the best in the World, to treat with him for all that, and be as punctual upon the Terms to make all secure, as if they were dealing with the worst: So it is also honest for them, in seeking the Good of their Country, to deny Self-interest, and to prefer the benefiting a Nation, before the magnifying any single Person whatsoever.

The BREVIATE.

THE People of this Nation are by Birth a Free People, who are born to a Liberty of Person and Propriety in their Goods and Lands; and therefore *England* is rightly called a *Free State.*

To understand the Government, we must know that these two Things are always to be distinguished, the *Constitution*, and the *Administration.*

The *Constitution* of a Government does lie in the original Agreement of the People, which they make between themselves, or with their intended Gover-

* State-Tracts both of which are to be found in the Folio Collection in Three Volumes.

nor, or Governors, before the Government be ſet up, whether there be none before, or the former at an End.

When the People are in ſuch a State, while there is no Order of Superiority, or Inferiority introduced, it is called a *Community:* When a Ruler is choſe, ſo that there is a Ruling and Ruled Part, it is a Society, or called a *Commonwealth.*

Let us ſuppoſe a Company of Families, that having no Dependance on one another, nor any one having Power over the other, yet living near each other, do find it convenient to join together in a Society, for mutual Defence againſt ſome Foreign Enemy, or for the reaping ſeveral Advantages which they ſhall receive by it. The Heads or Repreſentatives of theſe Families aſſembled, are to conſider what is to be done in order to theſe Ends.

Three Things more eſpecially they muſt conſult upon;

1. What Government (as to the Sort or Kind) is beſt for them?
2. Who ſhall be Governor or Governors?
3. And by what Laws or Rules they ſhall govern, who are entruſted with the Supreme Power?

And more particularly, in relation to what Meaſure of it they will allow them to have over their Perſons and Eſtates, to uſe them as they have Occaſion, for the Public Good. For when they are yet free in both, the Governor can have Power ſo far, but no farther than they at firſt conſent. Whatſoever Reſervations of Liberty the People make in their Agreement, theſe are to be looked upon as their Rights by the Laws of the Conſtitution, and eſſential thereunto, and conſequently inviolable by any of theſe Governors whom they ſet up for the Adminiſtration; the very Laws of the Adminiſtration being void, ſo far as they interfere with any of theſe of the Conſtitution.

The Conſtitution and Laws thereof being agreed upon, and it being impoſſible for human Prudence to foreſee all Accidents, which muſt be provided for; therefore as they ariſe, the Adminiſtration neceſſarily muſt lie in theſe two Things: The making farther Laws (ſubordinate ſtill to thoſe foreprized) as Occaſion requires, and ſeeing them executed, that is, in Legiſlation and Judgment. The one is the Buſineſs of the Supreme Authority; the other of the Inferior Magiſtrates or Officers, and Executioners of the ſame, according to that fundamental Agreement made by the People.

Our Government now, as conſtituted in order to this Adminiſtration, is, we know, a mixt Government. A Government is known to be pure or mixt, by the placing the Supreme Authority. If the People place it ſingly in the King, or ſingly in the Nobles, or ſingly in the People, then it is a pure Monarchy, Ariſtocracy, or Democracy: But when it is placed in all three, it is a mixt Government, as ours is, where there are no Laws in the Adminiſtration made but by King, Lords, and Commons.

Theſe Things I purſue only ſo far as is neceſſary, to the reaching my main Purpoſe; and the leading me to a right Diſcernment of the preſent Condition into which we are now brought in regard to this ſaid Government.

The Supreme Power of the Nation being placed in a Parliament, which is a Corporation of King, Lords, and Commons, that is, the Supreme Authority reſiding in King, Lords and Commons, as one Corporation, there does appear,

pear, at this Conjuncture, a Diſſolution of the Government; a Diſſolution manifeſtly, as to the Exerciſe of it. This Appearance does ariſe from the Opening of the laſt Scene. For the King being now gone, gone from his People, and departing from his Government, that one Corporation (we ſpeak of) is broke; ſo that there remains now no Subject for that ſupreme Authority; it being evident, that a Parliament, wherein an eſſential Point of our Conſtitution does conſiſt, cannot now be aſſembled: And the Providence of *God* itſelf hath extraordinarily determined our Caſe. If a King dies, he hath a Succeſſor, and the Right devolves upon him; but whilſt the King lives, he hath no Succeſſor, and the Right remaining in him and no other; and he being divided from his Lords and Commons, the Subject of the Supreme Power, or this one Corporation (whereof the King is a chief, eſſential, and conſtituent Part) does perfectly ceaſe, and muſt neceſſarily cauſe a Diſſolution.

I chuſe not to found this upon what does more convince others, which comes to this Account: The King, by his frequent Malverſation in the Government, and rooted Deſign of ſubverting our Religious and Civil Rights, for the Introduction of Arbitrary Power and Popery, which being aggravated by ſuch an Endeavour, as the deſtroying that Share in the Government, which every Commoner hath, that hath a Right to chuſe his Repreſentative in Parliament, by his garbling Corporations, and ſo evacuating this Liberty in effect; and by ſuch an Endeavour alſo, as the exterminating his Proteſtant Subjects; ſeeing that Religion which he would have introduced, is ſuch, as by the Principles of it, if it comes into Denomination, muſt do ſo to all Heretics; and thereupon may he be looked on no longer as *Rex*, but *Hoſtis*, and *Hoſtis Publicus*: Beſides, the ſubjecting us to a Foreign Juriſdiction, and the very changing the Government, by that indefinite diſpenſing Power over the Laws, as was carved to him by his Judges, from Regal to Deſpotical: It is judged by them, that he is fallen thereupon from his Royal Dignity; and that the Univerſality thereby have Warrant not only to defend themſelves againſt him, but by Virtue of that Sanction, which is tacitly implied in the Laws of the Conſtitution, to proceed on to take the Forfeiture he hath made of his Government, and depoſe him: For it is a fond Thing, (think they) to imagine any Laws without a Sanction; and impoſſible there ſhould be any other Sanction in Treaties between Free Nations, or between a Free People, and the Governor they ſet over themſelves, than Force to be uſed by the Parties concerned; there being no third Party on Earth to appeal to, in ſuch Caſes.

However this be, it being taken for granted, that the Government is diſſolved, and I ſuppoſe upon that preceding Account, of the one Corporation (I ſay) being broke, the Supreme Authority that lay before in the three as united in one, does eſcheat, or fall to the Community; who muſt therefore chuſe a new Subject for that Power; and it lies at their Diſcretion to place it in what Subject they pleaſe: They may lodge it in the Lords and Commons alone, without a King, if they think that Government beſt; the Matter lies altogether upon their Agreement, and Conſent. I ſuppoſe it moſt likely, that they will agree to place it again in a Monarch, Lords and Commons (the Perſon only left at Choice, and Care had to prevent all Danger of Law in the Caſe) according to the

the ancient Conſtitution; though what Man can know the Mind of a Nation, when once come together, if he knows his own Mind?

There is one Thing we have now Opportunity to obtain, which we can never recover again, if it be loſt; and that is, what his Highneſs the Prince of *Orange* hath made one of his two Deſigns, *The Delivery of the People from Slavery*; which can never be done effectually, and radically, but upon this *Advantage*. The delivering us from *Popery*, is contained in the ſettling our Religion; and that being a Work of great Length, is the Buſineſs more properly of a Parliament; but this is a Thing muſt be done by the Community, and conſequently by thoſe that are the Repreſentatives of it, a *Convention*, ſo called (in regard to a higher Capacity hereunto) and not a *Parliament*; for that repreſents the People, not as in a *Community*, but as in a *Commonwealth*, where there is *pars imperans*, as well as *ſubdita*, which now is not. A *Parliament* makes Laws for the *Adminiſtration*, but the *People* as in a *Community* make Laws for the *Conſtitution*.

I would therefore humbly offer it to the Conſideration of thoſe, who ſhall meet as Members of this *Convention*, that, in order to the Effect premiſed, they do but agree and pitch upon this one certain Point of *good Polity*, that where they place the *Supreme Authority*, they lay alſo the *Rights* or *Properties* of it; that is, the *Jura Majeſtatis* (*Majeſtas* being *Maxima Poteſtas*) all together.

The Rights of *Majeſty*, or the *Supreme Power*, are mainly theſe: The firſt is *Legiſlation*, or making Laws; and this undoubtedly lies in a Parliament. The next, is the Power of raiſing *Arms*, or Armies, or the *Militia*, the Power of making Peace and War, or Power of the Sword, which is neceſſary to maintain thoſe Laws. The third is a Power over our Eſtates, or the Purſe, or raiſing Money, which muſt maintain the Sword. A fourth, is the Power of *chuſing Magiſtrates* to rule us according to theſe Laws; ſuch as Judges and Sheriffs, to name no other. A fifth, is the *laſt Appeal*. Now let but the Power of the *Militia* and *chuſing Magiſtrates*, be laid where *Legiſlation* is, and we ſhall be fundamentally delivered from all *Slavery* for ever in the Nation.

If we be *enſlaved* or oppreſſed by any *Prince* for the Time to come, it muſt be either by *Force* or by *Injuſtice*. We cannot be oppreſſed by *Force*, becauſe no Forces then can be raiſed by him, but by a Parliament. He cannot rule by an *Army*, or by Violence; for the *Militia* is in the *Lords* and *Commons*, as well as in him, and they will not let him do ſo: We cannot be oppreſſed with *Injuſtice*; for the *Judges* and *Officers* entruſted with the Execution of *Juſtice*, ſhall be choſen alſo by them, and they will look to that.

It is true, while no Parliament ſits, the King by Virtue of the executive Power lying in him, may raiſe Arms, and put in Officers and Magiſtrates as there is need; but both theſe are to be done under the Control of the next Parliament (which are therefore to ſit often by ancient Statutes) there being no War to be levied, nor Magiſtrates confirmed, without their Approbation.

Let us remember the State we are in, a State that puts the *Supreme Power* in the Hands of the People, to place it as they will: and therefore to bound and limit it as they ſee fit for the public Utility; and if they do it not now, the Ages to come will have Occaſion to blame them for ever. When the Supreme

Power

Power is upon the diſpoſing, if they do not take this *Item*, as Part of their proper Work, *To bind the Deſcent of it to a Proteſtant*, I ſhall blame them: But I ſhall do ſo much more, if after the Danger we have been in, of Arbitrary *Domination* and *Popery*, by the King's raiſing Arms, and putting Judges in and out at his Pleaſure, they do not take more care of the Supreme Power, to lay it and its Rights better together: Eſpecially, ſeeing nothing can indeed be that in Nature, which it is, without its Properties. This is uniform (I muſt perſiſt) to the Nature of Government; that where the Supreme Authority is, there muſt be its *Prerogatives*; and where the chief or principal *Rights* of it is, there ſhould all the reſt which depend upon, and belong to it, be placed alſo: Where *Legiſlation* is lodged, there ſhould the *Militia*, there ſhould the Power of making Judges, to name nothing more than ſerves my Turn, be lodged alſo. It is this hath been the great Declenſion, Fault, or Defect of our *Engliſh* Commonwealth, that the People have ſuffered theſe Rights of Sovereignty, to come to be divided, ariſing (we muſt conceive) from the *Adminiſtration*, that is, *Male-Adminiſtration*; as appears, for Example, in the *Militia*, which upon the freſh coming in of the late King, was in two or three hot *Acts*, declared now and ever to have been in the King; when both the Aſſertion was groſs Flattery, and ſuch Acts void, as fundamentally repugnant to the *Conſtitution*.

There is one *Difficulty* to be thought on, and that is, the *negative Voice* of the *Prince* in his *Parliament*. The *Lords* and *Commons* may agree upon ſome Law for the public Benefit, and the King alone may refuſe to paſs it. If he be obſtinate this is a great Evil, and might really make one think, it would be better therefore (for the preventing this Inconvenience) to place the *ſupreme Power* in *Lords* and *Commons* only, without a *Controller*. Unto which may be added, the Power of calling and diſſolving *Parliaments* at pleaſure; by virtue whereof, our Kings hitherto have pretended a Power predominant over them. But foraſmuch as theſe *Prerogatives* may be diſputed, and the *negative Voice* hath been denied by many judicious Men, who have pleaded the Obligation of former Princes to confirm thoſe Laws, *quas vulgus elegerit*; it is to be hoped, that the Wiſdom of the Nation will be able to find out ſome Expedient or Salve for this Difficulty, and for more than that alſo; ſo long as they have the *golden Opportunity*, to bring a *Crown* in one Hand, with their *Terms* or *Conditions* in the other.

As for the ſeveral Grievances that need Redreſs, and many good Things that are wanting to complete the Happineſs of our Kingdom; there may be ſome Foundation laid happily, or Preparations made in order thereunto by this *Convention*; but as belonging to the *Adminiſtration*, and being Matters of long Debate, they are the Work more properly of an enſuing Parliament. Only let not the Members of this preſent *great Aſſembly* forget, that they having ſo unlimited a Power, and the Nation ſuch an Opportunity, which, as the *ſecular Games*, they are never like to ſee but once, they are more ſtrictly therefore bound in *Conſcience*, and in Duty to their *Country*, to neglect no kind of thing, which they judge abſolutely neceſſary to the public Good. I care not if I commend three or four ſuch Particulars againſt the Time to Conſultation, which ſhall be theſe: A Regulation of *Weſtminſter-Hall:* A Proviſion againſt buying or ſelling of Offices: A Regiſter of *Eſtates:* A Freedom from *Perſecution* (by a Bill for *Comprehenſion*.

Comprehenſion and *Indulgence*) in the Buſineſs of Religion: A Redemption of the *Chimney-Money*, which bringing the King to be Lord of every Man's Houſe, is againſt *Property*; and an *Over-balance* in the *Revenue*, is againſt the *Intereſt* of the *Nation*.

The Breviate being ended, we cannot but reflect upon the King; there being ſo much Concern in the Minds of many, about their *Allegiance* to him, though he be gone: But ſuch Perſons as theſe ſhould look a little more to the bottom, that a People is not made for the King, but the King for the People; and tho' he be greater than them in ſome reſpects; yet, *quoad finem*, the People are always greater than him: That is, if the Good of the *one*, and the *other*, ſtand in competition, there is no compariſon but a Nation is to be preferred before one Man. If the Being of them be inconſiſtent one with another, there is no doubt, but it is better that a King ceaſe, than that a *whole Nation ſhould periſh*. And, upon ſuch a Suppoſition as this, all Obligations as to Duty muſt ceaſe likewiſe. There are ſome tacit Conditions in all Oaths, as the beſt *Caſuiſts* tell us (ſuch as *Rebus ſic ſtantibus*, for one) that we muſt ſteer our *Conſciences* by in theſe Caſes. *He is the Miniſter of God for our Good*, ſays the Scripture: And if any Prince therefore be under thoſe Circumſtances, as that it cannot be for the People's Good that he ſhould rule over them; we do look upon ſuch a Ruler to be bound in Conſcience to give up his Government, as being no *Miniſter of God* upon that Account: And ſo, having no Authority from God for that *Office*, the People's Obligation to be ſubject to him, is at an end with it. If they obey him longer, it is for *Wrath*, not for *Conſcience Sake*. If his Majeſty now of *Great Britain*, out of ſome deep Senſe, that he, being a *Roman-Catholic*, cannot rule, and be true to his *Religion*, (which he may ſuppoſe does oblige him to an Eſtabliſhment thereof by all the Ways and Means of his Church, though never ſo deſtructive to ours, but it will be to the Hurt, not Good of us who are *Proteſtants*) hath been pleaſed to withdraw himſelf from his Government, to make us more quiet and happy: We are in all Gratitude to acknowledge his *Piety*, *Goodneſs* and *Condeſcenſion* to be ſo much, as very few of his Subjects could ever have ſuſpected: But if it be out of another Mind he hath done it, we have ſtill more reaſon to bleſs *Almighty God*, who does often ſerve his *Providence* by Men's *Improvidence*; and cutting off Men's Ends from their Means, he uſes their Means to his own Ends, when he is pleaſed to work *Deliverance* for a People; as he hath at this Seaſon, ſo graciouſly and wonderfully done for us, that there is nothing more needful, even to the moſt ſcrupulous Conſcience, than an humble and awful Acquieſcence in the *Divine Counſel*, to give Satisfaction in this Matter.

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REFLECTIONS upon the PRESENT STATE of the NATION.

IT is a Maxim of the *Law of England* concerning the Government, that there is no *Inter-regnum*. Of Neceſſity there muſt be a Change in the Perſon, yet there is a Continuation of the Government; which ſhews the Prudence and Perfection of the Conſtitution, in preventing that, which of all Things is moſt deplorable, a Failure of Government. This Rule is therefore of that Importance, as not to be given up upon the trivial Saying of *Nemo eſt hæres viventis*.

It is true, the common and ordinary Cauſe of a Change in the Perſon, that is inveſted with the *Royal Authority*, is Death.

But we are now in a rare and extraordinary Caſe, where the King is living, and yet may be ſaid to be diveſted of the *Royal Office*, as having by his Encroachments upon the People's Rights, provoked them to reſort to Arms; and being vanquiſhed by that Force, followed with a total Defection from him, and his relinquiſhing the Kingdom thereupon, without providing any Ways for the Adminiſtration of the Government.

This ſeems to be a *Ceſſer* of this Government, and may in Civil and Politic Conſtruction amount to as much as if he had died.

But becauſe this is a *Ceſs* of that Nature that requires a Judgment to be made upon it, it ſeems neceſſary to have a *Convention* of the Eſtates of the Nation, to make a Declaration thereupon (for it is not for private Perſons to determine in the Caſes aforeſaid, how or when the King has loſt his Government) and until ſuch authoritative Declaration made, the King may be ſuppoſed in ſome Kind of Poſſeſſion of the kingly Office.

But after the Judgment made and declared, there ſeems to be no difference in the Conſequence and Reſult of the Thing, between ſuch an extraordinary Caſe of the *Ceſſer* of the *Royal Dignity*, and the Caſe of Death or voluntary Reſignation; or, as if the King had been profeſſed and made himſelf a Recluſe in a religious Houſe.

Then it muſt devolve upon the next Heir, her Royal Highneſs the Princeſs of *Orange*.

As to the pretended Prince of *Wales*, if there had been no Suſpicions, as to his Birth, (as there are many violent ones) yet his being conveyed into unknown Places, by Perſons in whom no Credit can be repoſed, and at an Age which expoſes him to all manner of Practices and Impoſtures, touching his Perſon; then can there hereafter be no manner of Certainty of him, ſo as to induce the Nation ever to conſider any Pretence of that kind.

Theſe Things being conſidered:

Firſt, Whether will not the declaring her Royal Highneſs Queen of *England*, as next in Succeſſion, be the ſureſt and beſt Foundation to begin our Settlement

upon; rather than upon a groundleſs Conceit of the Government being devolved to the People, and ſo they to proceed to elect a King?

Secondly, If that Conceit of devolving to the People be admitted, Whether muſt we not conclude, that the Miſgovernment of King *James* the Second, hath not only determined his Royalty, but put a Period to the Monarchy itſelf? And then it is not only a Loſs as to his Perſon, but to the whole Royal Family.

Thirdly, Whether thoſe Perſons that have ſtarted this Notion, upon pretence of giving the Nation an Opportunity of gratifying his Highneſs the Prince of *Orange*, in proportion to his Merits (which it muſt be acknowledged no Reward can exceed) if they were ſearched to the Bottom, did not do it rather to undermine this ancient and hereditary Monarchy, and to give an Advantage to their Republican Principles, than out of any Affection and Gratitude to his Highneſs? For if the latter was that they had the chief reſpect to, would it not be the more proper way to declare her Royal Highneſs Queen, which will immediately put the Nation under a regular Conſtitution and Poſture of Government? Then it will be capable of expreſſing its Gratitude to the Prince of *Orange*, in Matters touching even the Royal Dignity itſelf, without making ſuch a Stroke upon the Government, as the electing of a King, or making any other immediate Alteration in the Right of the Monarchy (before the Parliament is compleated and conſtituted in all its Parts) muſt amount unto.

[Out of Lord *Somers*'s Collections.]

A SPEECH to his Highneſs the Prince of *Orange*: By a True Proteſtant of the Church of *England*, as eſtabliſhed by Law.

THere is no good Proteſtant, nor any Body that loves the Liberties of *England*, who muſt not (*Great Sir*) extol your Undertaking, and bleſs God for your ſo great and ſo unbloody Succeſs; and thoſe that are ſenſible how well you have uſed the Power you have had in the World, muſt wiſh that That and your Glory may increaſe; and what follows, is far from deſigning the Diminution of either: Pardon the Expreſſion, if I ſay it is to confirm you in your own noble Reſolutions, and to precaution you againſt the Suggeſtions of ſuch Men as may cultivate their own Intereſt with greater Regard than your Honour. Your Honour lies in your keeping cloſe to the Senſe of your firſt Declaration: That Declaration obliges you in the Senſe of moſt, and I think all honeſt Men, *to refuſe the falſe Glitterings of a Crown; reſtores us to our Liberties, ſecures the Proteſtant Religion, is good and merciful even to Papiſts, makes you the greater Arbiter of* Europe, *gives you opportunity to reſettle its Peace, and call to an account that great Diſturber, the King of* France, *for the real Invaſions he has made upon it, and to puniſh him for the Inſolencies he*

he has offered to yourself. This Management will beſpeak you great, without Ambition; inſpired with the *Roman Genius*, which loved to *plant Liberty and good Manners*, more than *Empire.* And tho' the King be reſtored to the Title, and as much Power as is uſeful and ſafe; yet we ſhall always *bleſs* when you are named, *join our Arms unanimouſly with yours*, to make all *France* happy by a *Reſtoration of the Aſſembly of the Eſtates, and to relieve the Proteſtants too, by reviving the Edict of* Nants, *to pull down the Pride of that haughty Man, and approve the* Engliſh *Nation, under your Banners, the Scourge of Tyrants.* Theſe are the great Things you may chuſe for your Share, and I pray God direct you. But if, inſtead thereof, you purſue other Meaſures, and you are either *crowned yourſelf*, or *allow your Princeſs ſo to be*, you muſt dethrone your own Uncle and your Wife's Father, hazard our Liberties by ſudden and uncertain Wars, *blemiſh the Proteſtant Religion with the depoſing Doctrine, unite the Papal Force, ſtrengthen the* French *King, make your great Self appear rather ambitious than a Benefactor, create ſtrong Factions*, ſuch as you can never imagine will be compoſed, till the Reſtoration of the King, if you ſeriouſly reflect upon our Tempers, of which the preſent *Fermentations* give ſome proof. Conſider then, great Sir, and be great by being good, that the preſent may adore, and After-ages for ever admire you. Let me add one Thing more, which is ſeriouſly reflected upon by thoſe that are even trueſt to the *Engliſh*, and the Proteſtant Intereſt; which is, that it is in your Power to prevail with the King, to give ſo much into the People's Hands, as will make them ſafe; whereas, if the King, by a high Hand returns, he can then act without Control; and the *Infirmities* which we are ſorry to ſee in *your Health*, makes it even doubtful whether *Nature* has lent you Time enough to finiſh ſo great *Enterprizes*; and then, God knows, what may be the ſad Bargain we ſhall be forced to ſtrike at laſt: Conſider therefore in Time.

[Out of Lord *Somers*'s COLLECTIONS.]

Qu. Whether the King, Lords and Commons, now aſſembled, be a legal Parliament, and may act as ſuch?

[*The Crown having been at laſt ſettled by the Lords and Commons on the Prince and Princeſs of* Orange, *thoſe who were diſſatisfied with that Settlement clamoured for a Diſſolution of the* Convention, *which had made it: But the Authors judging it highly imprudent to throw the Nation into a new Ferment, by giving way to a new Election, prevailed with both Houſes to convert the ſaid Convention into a Parliament, by an Act for that Purpoſe: And it was to reconcile the Public to this Expedient, that the following Paper was ſet forth.*]

I. THE Neceſſity of a Parliament, agreed by the Lords and Commons, voting that the Throne is vacant; for there being a Vacancy, there follows an immediate Neceſſity of ſettling the Government, eſpecially the Writs being deſtroyed, and the Great Seal carried away, put a Period to all public Juſtice, and then there muſt be a Supply by ſuch means as the Neceſſity requires, or a Failure of Government.

II. Conſider the Antecedents to the calling the Convention; that is, about three hundred of the Commons, which is a Majority of the fulleſt Houſe that can be made; above ſixty Lords, being a greater Number than any Part divided amounted to at this Meeting; the Lord-Mayor, Aldermen, and Common-Council of the City of *London*, by Application to his then Highneſs the Prince of *Orange*, deſired him to accept of the Adminiſtration of public Affairs, Military and Civil, which he was pleaſed to do, to the great Satisfaction of all good People; and after that his Highneſs was deſired to iſſue forth his Circular Letters to the Lords, and the like to the Coroners, and in their Abſence to the Clerks of the Peace, to elect Knights, Citizens, and Burgeſſes; this was more than was done in Fifty-nine, for the calling a Parliament in *April* 1660; for there the Summons was not real, but fictitious, (*i. e.*) in the Names of the Keepers of the Liberties of *England*; a mere Notion ſet up as a Form, there being no ſuch Perſons, but a mere *Ens Rationis*, impoſſible really to exiſt: So that here was much more done than in 1659, and all really done which was poſſible to be invented, as the Affairs then ſtood. Beſides King *Charles* the Second had not abdicated the Kingdom, but was willing to return, and was at *Breda*, whither they might have ſent for Writs, and in the mean time have kept their Form of Keepers of the Liberties, *&c.* But, in the preſent caſe there was no King in being, nor any Style or Form of Government, neither real, or notional, left; ſo that in all theſe reſpects, more was done before and at the calling of this great Convention, than for calling that Parliament (for ſo I muſt call it) yet that Parliament made ſeveral Acts, in all thirty-ſeven, as appears by *Keeble*'s Statutes, and ſeveral of them not confirmed. I ſhall inſtance but

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in one, but it is one which there was occaſion to uſe in every County of *England*; I mean the Act for confirming and reſtoring Miniſters, being the 17th of that Seſſions; all the Judges allowed of this as an Act of Parliament, though never confirmed, which is a ſtronger Caſe than that in queſtion; for there was only fictitious Summons, here a real one.

III. That without the Conſent of any Body of the People, this, at the Requeſt of a Majority of the Lords, more than half the Number of the Commons duly choſen in King *Charles* the Second's Time, beſides the great Body of the City of *London*, being at leaſt eſteemed a fifth Part of the Kingdom; yet after the King's Return, he was ſo well ſatisfied with the calling of that Parliament, that it was enacted by the King, Lords and Commons, aſſembled in Parliament, that the Lords and Commons then ſitting at *Weſtminſter* in the preſent Parliament, were the two Houſes of Parliament, notwithſtanding any want of the King's Writ or Writs of Summons, or any Defect whatſoever, and as if the King had been preſent at the Beginning of the Parliament: This I take to be a full Judgment in full Parliament of the Caſe in queſtion, and much ſtronger than the preſent Caſe is, and this Parliament continued till the 29th of *December* next following, and made in all thirty-ſeven Acts, as above mentioned.

The 13th *Charles* II. Chap. 7. (a full Parliament called by the King's Writ) recites the other of 12th of *Charles* II. and that after his Majeſty's Return they were continued till the 29th of *December*, and then diſſolved, and that ſeveral Acts paſſed: This is the plain Judgment of another Parliament.

1. Becauſe, it ſays, they were continued, which ſhews they had a real Being, capable of being continued; for a Confirmation of a void Grant has no effect, and Confirmation ſhews a Grant only voidable, ſo the Continuance there ſhewed it at moſt but voidable; and when the King came and confirmed it, all was good.

2. The diſſolving it then, ſhews they had a Being; for, as *ex nihilo nihil fit*, ſo *ſuper nihil nil operatur*,— as out of nothing, nothing can be made; ſo upon nothing, nothing can operate.

Again, the King, Lords and Commons, make the great Corporation or Body of the Kingdom, and the Commons are legally taken for the Freeholders, *Inſt.* 4. *p.* 2. Now the Lords and Commons having proclaimed the King, the Defect of this great Corporation is cured, and all the eſſential Parts of this great Body politic united and made compleat as plainly as when the Mayor of a Corporation dies, and another is choſen, the Corporation is again perfect; and, to ſay, that which perfects the great Body politic ſhould in the ſame Inſtant deſtroy it, I mean the Parliament, is to make Contradictions true, *ſimul & ſemel*, the Perfection and Deſtruction of this great Body at one Inſtant, and by the ſame Act.

Then, if Neceſſity of Affairs was a forcible Argument in 1660, a Time of great Peace not only in *England*, but throughout *Europe*, and almoſt in all the World; certainly it is of a greater Force now, when *England* is ſcarce delivered from Popery and Slavery; when *Ireland* has a mighty Army of Papiſts, and that Kingdom in hazard of final Deſtruction, if not ſpeedily prevented; and when *France* has deſtroyed moſt of the Proteſtants there, and threatens the Ruin of the

the *Low-Countries*, from whence God has ſent the wonderful Aſſiſtance of our gracious, and therefore moſt glorious King; and *England* cannot promiſe Safety from that Foreign Power, when forty Days Delay, which is the leaſt can be for a new Parliament, and conſidering we can never hope to have one more freely choſen, becauſe firſt it was ſo free from Court-Influence, or Likelihood of all Deſign, that the Letters of Summons iſſued by him, whom the great God in infinite Mercy raiſed to ſave us, to the Hazard of his Life, and this done to protect the Proteſtant Religion, and at a time when the People were all concerned for one common Intereſt of Religion and Liberty, it would be vain when we have the beſt King and Queen the World affords, a full Houſe of Lords, the moſt ſolemnly choſen Commons, that ever were in the Remembrance of any Man living, to ſpend Money and loſe Time (I had almoſt ſaid to deſpiſe Providence) and take great pains to deſtroy ourſelves.

If any object Acts of Parliament mentioning Writs and Summons, *&c.*

I anſwer the Precedent in 1660, is after all thoſe Acts.

In private Caſes, as much has been done in point of Neceſſity; a Biſhop Provincial dies, and *ſede vacante* a Clerk is preſented to a Benefice: The Preſentation to the Dean and Chapter is good in this Caſe of Neceſſity; and if in a Vacancy by the Death of a Biſhop a Preſentation ſhall be good to the Dean and Chapter, rather than a Prejudice ſhould happen by the Church lying void: ſurely, *à fortiori*——Vacancy of the Throne may be ſupplied without the Formality of a Writ, and the great Convention turned to a real Parliament.

A Summons, in all Points, is of the ſame real Force as a Writ; for a Summons and a Writ differ no more than in Name, the Thing is the ſame in all ſubſtantial Parts: The Writ is recorded in *Chancery*, ſo are his Highneſs's Letters; the proper Officer endorſes the Return, ſo he does here, (for the Coroner, in Defect of the Sheriff, is the proper Officer;) the People chuſe by Virtue of the Writ, ſo they did freely by Virtue of the Letters, *&c. et quæ re concordant parum differunt*, they agree in Reality, and then what Difference is there between the one and the other.

Obj. A Writ muſt be in Actions at Common-Law, elſe all Pleadings after will not make it good, but Judgment given may be reverſed by a Writ of Error.

Anſw. The Caſe differs; firſt, becauſe Actions between Party and Party, are adverſary Actions, but ſummons to Parliament are not ſo, but are Mediums only to have an Election.

2. In Actions at Law, the Defendant may plead to the Writ, but there is no Plea to a Writ for electing Members to ſerve in Parliament; and for this I have *Littleton*'s Argument, there never was ſuch Plea, therefore none lies.

Obj. That they have not taken the Teſt.

Anſw. They may take the Teſt yet, and then all which they do will be good; for the Teſt being the diſtinguiſhing Mark of a *Proteſtant* from a *Papiſt*, when that is taken, the End of the Law is performed.

Obj. That the Oaths of Allegiance and Supremacy ought to be taken, and that the new ones are not legal.

Anſw. The Convention being the Supreme Power, have aboliſhed the old Oaths, and have made new ones; and as to the making new Oaths, the like

was

was done in *Alfred*'s Time, when they chose him King; *vide* Mirror of Justice, *Chap.* I. for the Heptarchy being turned to a Monarchy, the precedent Oaths of the seven Kings could not be the same King *Alfred* swore.

Many Precedents may be cited, where Laws have been made in Parliament, without the King's Writ to summon them, which, for Brevity's sake, I forbear to mention.

For a Farewel; the Objections quarrel at our Happiness, fight against our Safety, and aim at that which may endanger Destruction.

The Copy of a PAPER found on the Speaker's Chair, *January* 16, 1689. entituled, *An Act of Indempnity and Free Pardon for* JAMES STEWARD, *late King of* England.

[*This extraordinary Paper is to be looked upon as a* Whiggish *Libel on the new Government, and the Effect of the Resentments of that Party; when it appeared, by the Nomination of the Earl of* Nottingham *to the Secretary's Office, who had opposed the* Abdicating *Vote, that the* King *had too much Generosity, or Policy, to remember Offences committed against him as Prince of* Orange; *or, to reconvey the* whole *Kingdom to those who had just conveyed it to him.*]

WHereas the late King *James* the Second, without any *evil Counsellors, wicked Judges*, or *Ministers*, through Folly or Wickedness, hath been misled into arbitrary Designs against the Government and himself, thereby becoming obnoxious to the fundamental Laws of this Kingdom; and the said King having broke the Original Contract between King and People, for which he abdicated the Government, and the Throne thereby became vacant. And whereas it is incident to Kings and Princes, being got on the Throne, to thirst after Arbitrary Power, by the Help of Flatterers, to their own Ruin and Destruction: And for that, though strict Enquiry hath been made after his *Accomplices*, yet *none of them can be found out*; and it appearing plain, that the said late King did all on his *own Head*, for the destroying of Charters, and murdering his Subjects contrary to Law; Therefore, forasmuch as Doubts may arise about the Matters aforesaid; and to the End, that the wonted Clemency of the *English* Nation may be perpetually had in Veneration, as well Abroad as at Home:

Be it Enacted, by the King and Queen's Majesty, by and with the Consent and Advice of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same; That the said late King *James* be Pardoned, Indemnified, and Saved harmless from all Pains, Penalties and Forfeitures whatsoever, for, and by reason of any Misdeeds, or Omissions by him made heretofore, contrary to the Laws of the Land whatsoever, until the 25th of *December* last past: And be it Enacted by the Authority afore-

aforeſaid, that it may be lawful to and for their preſent Majeſties, not only to retain, and keep in their moſt *ſecret Councils*, Places of Truſt, and Offices, whatſoever, any of the late King *James*'s *Servants*, *Counſellors*, or Officers whatſoever; but alſo, the ſaid King *James*, (if their Majeſties ſhall think fit) for the more ſecure Settling and Confirming their Majeſties King *William* and Queen *Mary*, in the Government of theſe Kingdoms, againſt Popery and Arbitrary Power, to entertain the ſaid late King *James* in any Place of Truſt, or Profit whatſoever: Provided, the ſaid King *James*, and all his *Friends* and *Relations*, which ſhall be employed by their preſent Majeſties, ſhall take the *new Oaths*, mentioned in an Act of this preſent Parliament.

Sir, Since the Generoſity of the Nation is ſuch, as to forgive ſuch ſmall Offences as Parliament-Penſioners to ſell the Nation, to introduce Popery and Arbitrary Power, to deſtroy the *Proteſtant* Religion, ſurrender Charters; to root out Corporations, and thereby the ancient Conſtitution of theſe Kingdoms; evil and wicked Counſellors did all that in them lay, to aſſiſt the late King, to make this Nation as *France*, and to forgive the very Actors in Murders by a Pretence of Law, and to make King *James*, the only Scape-Goat, run into the Wilderneſs, incurring the Sins of the whole Nation. It ſeems to me reaſonable, and I doubt not it will be ſo to you, that an Act of Indemnity may paſs in this Houſe, this Seſſions, for the late King *James*; and therefore, as an honeſt Man, guided by Truſt and Juſtice, I have ſent you, ready drawn, a Bill of Indemnity for him, as well as for the reſt; and do hope it will, by the good Favour of this Houſe, paſs into a Law; in order to which, I hope you will lend your helping Hand, and communicate the ſame to the Houſe; and if you find any bawl at it, as ſome may do, get but a Balloting-Box, and I will warrant you, the major Part of this Houſe will be for paſſing this good Bill.

Your humble Servant.

[*Out of the Earl of* Oxford's *Collection.*]

An Account of Two LETTERS; one of which is from the late King JAMES to the POPE, as it is extracted out of the Regiſter taken at *Dublin*, *July* 4, 1690. with a Marginal Note, *That it was all written with his own Hand.* The other is an original LETTER from the Earl of *Melfort*, (the late King's Principal Secretary of State) to the late Queen; taken alſo at *Dublin*, at the ſame Time.

IT is thought proper, upon this Occaſion, to expoſe theſe Letters to public View, which would not have been ſo ſeaſonable at another Time as now, when the Enemy has given open Proofs of thoſe Deſigns, which by theſe Letters will appear to have been long concerted by them: And although, by the

the Providence of God, they have been hitherto prevented; yet ſince hereby, and by the late Diſcovery, the Induſtry of thoſe who endeavour to ſubvert this Government, is not only manifeſt, but that they give themſelves great Encouragement to believe they ſhall be able to effect it; it is hoped, that theſe Warnings will ſtir Men up to ſuch a degree of Vigilance, as will make them careful to prevent any future Deſigns againſt the Peace and Quiet of the Kingdom.

Beatiſſime Pater,

GAudium ex Veſtræ Sanctitatis in B. Patris Cathedram elevatione conceptum, literis noſtris per Comitem de *Melfort* primum Secretarium noſtrum miſſis expreſſum. Literæ S. V. manu ſcriptæ ſinceri amoris paterni & teneræ compaſſionis ob ea quæ patimur teſtes adeo auxerunt, ut malorum ſenſum minuerint, & nos verè conſolata ſint. Unica turbarum contra nos excitatarum origo eſt, quod Catholicam Fidem amplexi ſimus, & eamdem in tria Regna & latè ſparſas per *Americam* noſtrorum ſubditorum Colonias reducere ſtatuiſſe nuper neutrum negamus. Poſterius quæ fecimus in hoc Regno probant, ubi enim divino auxilio, parvas quidem, ſed frequentes victorias de Rebellibus reportaſſemus (magnam impedierunt iſti, decretoriam pugnam pertinacitèr declinantes) iis in Religionis bonum uſi ſumus, quam hîc ſpero brevi firmitèr ſtabilitum iri. Idem in aliis ditionibus noſtris factum, ubi divinâ ope iiſdem reſtituti fuerimus. Hoc non ita difficilè videtur, modo ſubſidio aliquo juvemur, adeô ægre ferunt grave uſurpationis jugum, & noſtri reditûs tam ſparſum eſt deſiderium. Juvabit pax Catholicos inter Principes inita, aut ſi pacem temporis anguſtiæ vetent, induciæ, quæ etiam finem imponent Tragœdiæ in Germania inchoatæ, ubi Heretici in ipſis Eccleſiæ viſceribus hærent eaque rodunt. Nihil opus verbis, ubi res ipſæ tam clarè loquuntur, & opem implorant. Apoſtolicus S. V. zelus aliquam providebit malis parem, & à fiduciâ pleni Deum veneramur, Beatitudini veſtræ longum & proſperum regimen largiatur, atque pedibus ejus advoluti, omni cum debito ſanctitatis veſtræ filiali amore atque obſervantiâ, Apoſtolicam Benedictionem poſtulamus. *Datum Dublinii, 26 Novemb.* 1689.

[*From Lord* SOMERS*'s Collection.*]

Dublin, 26 Novemb. 1689.

Tranſlation of a Latin *LETTER, whereof the Copy is annexed, which was then writ by King* James *to the* Pope, *as 'tis extracted out of the Regiſter taken at* Dublin; *with a Marginal Note,* That it was all writ *with his own Hand.*

Moſt Holy Father,

'WE did, by the Earl of *Melfort*, Our Principal Secretary of State, ſignify to Your Holineſs, the Joy We had in Your Promotion to the Sacred Chair. And thoſe Letters which Your Holineſs did with Your own

'Hand write Us, were ſuch Teſtimonies of Fatherly Love, and of Your tender Compaſſion for what We ſuffer, that they have leſſened the Senſe of Our Calamity, and have proved of real Conſolation to Us. The only Source of all theſe Rebellions againſt Us is, That we embraced the Catholic Faith; and do not diſown, but that to ſpread the ſame not only in Our Three Kingdoms, but over all the diſperſed Colonies of Our Subjects in *America*, was our Determination. To manifeſt this, there will need no other Proof, than to ſee how lately We have proceeded in this Kingdom; for as We have frequently beaten the Rebels in ſmall Parties, (which might have been one compleat Victory, if they had not obſtinately declined to give Us Battle;) ſo We have ſtill turned all to the Advantage of Religion, and hope, very ſoon, to ſee it here firmly eſtabliſhed: Nor will it look hard, if but aided by ſome Subſidies, to compaſs the ſame in Our other Dominions, as ſoon as by God's Favour We ſhall be reſtored, ſeeing Our People do ſo ill bear the Uſurper's Yoke, and ſo univerſally long for Our Return. It would promote this Work, if a general Peace were ſettled among the Catholic Princes, or a Truce at leaſt, in caſe the Time be too ſhort for the other; for this would put an End to thoſe Calamities begun in *Germany*, and where the Heretics lie now gnawing in the very Bowels of the Church. But what need We ſpeak on this Subject, where the Things themſelves are ſo loud, and implore Your Aid? The Apoſtolic Zeal of Your Holineſs muſt find out Remedies fit for theſe Evils; and in full Confidence hereof, We beſeech God to give Your Holineſs a long and happy Reign: And We being, with all Love and filial Obſervance, proſtrate at Your Feet, do beg Your Apoſtolical Benediction. *Given at our Caſtle of* Dublin, *this 26th of* November, 1689.

May it pleaſe Your Majeſty,

'SINCE the laſt Poſt, not having had any new Occaſion of demanding Audience of the Pope, I went to the Cardinal *Ottoboni*, whom, after four or five Diſappointments, I at laſt found, and informed him of the Matter, and begged his Aſſiſtance with the Pope, for all thoſe Reaſons which your Majeſty has already ſeen, and what elſe I could invent.

'The Cardinal ſeemed much more willing to enter into the Matter than formerly; was very glad at the News; told me that he had ſeen your Majeſty's Letter to the Pope, all of your own Hand; that it was all their Concerns; that was but the Pope's Miniſter, and ſo could anſwer for nothing, but informing him right; and that he promiſed to me, he would do with as much Affection to your Majeſty's Intereſt, as I could do if I were there. He complained (in Confidence) to me, that the Pope had ſome about him who were not ſo affectionate; and that ſo he often left him well inclined, and found him changed at next Meeting; but that in this he would do all that was in his Power. He ſaid, he doubted not that I was informed of the Emperor's Proceedings, how angry he was at the Pope, *&c.*

'I told him, That for thoſe about the Pope, if any of them contradicted his Inclinations, I humbly conceived it to be his Fault, who having the double

'Au-

'Authority of Miniſter and Nephew, might eaſily make the Palace too hot for 'any who would oppoſe him, eſpecially in Things ſo juſt, and indeed ſo neceſ-'ſary for his Intereſt. That I was, indeed, informed of the Emperor's Huffing; 'but withal, knew how little that would ſignify, if he took the right Way, 'which was to aſſiſt the King to his Throne, who would be in a Condition to 'bring *Europe* to Peace on juſt Terms; and not only to aſſiſt the Pope, but to 'profit his Eminence, and all his Family: That I knew what a King of *England* 'could do, and what the Generoſity of this King would do to ſuch as obliged 'him, as his Eminence might do in this Conjuncture: That the Emperor was 'loſt, however, to them; and that made it the more neceſſary to hold in with 'ſome, ſo as to have a Friend in time of Need: That if this was true, I informed 'him of the neareſt Way to put himſelf above what the Houſe of *Auſtria* could 'do, was to puſh on the Wheel that went eaſieſt, and then, the King on his 'Throne, that Family would not talk ſo high.

'I had all the Satisfaction in Words I could deſire; but, in Effect, I believe 'nothing will be done 'till the News of the Riſing come, and then I am very 'confident ſomething will be done; ſo I pray God we may have the News of it 'ſpeedily: And if it be not diſpatched hither before this come to your Majeſty's 'Hand, I would humbly beſeech your Majeſty to get the Moſt Chriſtian King to 'ſend an Expreſs with it hither, that we may make the greater Impreſſion with 'it: In the mean Time, I ſhall (after the Poſt comes) endeavour another Au-'dience, that I may ſtill be keeping them in mind of what it is ſo much their 'Duty to do, however.

'I am ſorry, that, on this important Occaſion, I ſhould be ſo little uſeful to 'ſo good a Maſter; but it is God's Will, and I muſt ſubmit to it. I am told, 'how true I know not, that in *Ireland* they begin to be ſorry for their Injuſtice 'to me; pray God it be true, and that my Example may hinder them from 'falling in the like with Mr. *De Lauzune*, who will certainly carry higher than 'I did with them; and therefore I have ſome Reaſons to fear from the Hu-'mours he has to do with. I have written to all my Friends to do their beſt to 'keep Peace, and that all may prefer the King's Service to their own private 'Intereſt; which I hope in God they will do, and that all ſhall go well. I am 'ſorry to hear that there was not Preparation made for the Reception of the '*French*; the King could do no more but ſend a Lieutenant-General, E. *Do-'ver*, to take Order; but, alas! the Negligence of the Servant makes the Maſ-'ter ſuffer; and it will never be well 'till theſe Negligences be puniſhed as they 'deſerve; as I doubt not this has been, if the Story be true, that the Fault was 'ſo great; and the worſe the Matter is repreſented in *France*, the more the King's 'Honour is concerned, not to ſuffer it to paſs unpuniſhed; one Example or two 'is neceſſary for the recovering of the Kingdoms; for there is not one Thing I 'ſtand ſo much in Fear of, as Negligence in executing the King's Orders. For-'give me, Madam, for meddling in this Matter, but I'll ſwear I cannot help it; 'I muſt be concerned, when I hear of any thing by which the King is prejudiced, 'either in his Reputation or Service.

'I humbly pray, that Almighty God may ſend his Bleſſings down upon the 'King, your Majeſty, and the Prince; and that you may be happy together for

'many Years in your own *England*; and that all your Subjects may rejoice at it 'as heartily as I, who am,

May it pleaſe your Majeſty,

Rome, May 2, 1690.

Your Majeſty's moſt humble, moſt faithful, and moſt obedient Subject and Servant,

MELFORT.

'Lady *Melfort* has her moſt humble 'Duty preſented to your Majeſty; 'for which Preſumption, ſhe begs 'moſt humble Pardon.'

[*Whether the following Letter is genuine, or was forged, in order to ſerve the Purpoſe of a* PARTY, *and to give Occaſion for the Reflections annexed to it, is ſubmitted to the Judgment of the Reader: But beg Leave to obſerve, we inſert it purely to prove our Impartiality, having no Deſign to offend or flatter any.*]

LETTRE du Roy de la Grande Bretagne *au Lord Comte* Portland.

GUILLAUME *Roy.*

Mon Couſin,

QUOY qu'avant voſtre départ pour la Hollande je vous aye amplement expliqué mes intentions, je ne laiſſepas de vous écrire la Preſente pour vous faire part des reflexions nouvelles que ja'y faites depuis voſtre embarquement; afin que les joignant à vos premieres inſtructions, vous en puiſſez tirer le fruit qui convient dans la Conjoncture preſente.

Plus j'enviſage l'atteinte que la ville d'Amſterdam vient de donner à mon Autorité, & le Prejudice qu'elle peut porter au bien particulier de mon Service, & à celuy de la Chreſtienté; moins je puis me reſoudre à me relâcher de mes droits, & à ſouſcrire à la requeſte de ces Magiſtrats injuſtes & méconnoiſſans, qui oublient les Services ſignalez que mes Peres

A LETTER from the King of *Great Britain* to the Earl of *Portland.*

WILLIAM R.

My Couſin,

THOUGH before your Departure for Holland, *I have amply explained to you my Intentions, yet I thought fit to write to you this preſent Letter, to acquaint you with the new Reflections which I have made after your embarking; to the End, that joining them to your former Inſtructions, you may draw from them that Uſefulneſs, which is convenient in this preſent Juncture.*

The more I conſider the Blow which the Town of Amſterdam *has given to my Authority, and the Prejudice it may bring to the particular Concern of my Service, and to that of all* Chriſtendom; *the leſs I can reſolve to balk myſelf of my Rights, and to ſtoop to the Requeſt of thoſe unjuſt and ungrateful Magiſtrates, who can forget the ſignal Services which my Anceſ-*

tors

Peres & moy avons rendus à cet Etat depuis l'éſtabliſſement de la Republique, & ſe laiſſant ſeduire par quelques eſprits ſeditieux & jaloux de ma Grandeur & de mon credit dans ces Provinces, profitent de mon abſence & des Engagemens dans leſquels je me trouve, & veulent faire revivre une pretention qui eſt auſſi chimerique & auſſi mal-fondée, qu'elle eſt injurieuſe à ma gloire.

En effet, quiconque examinera ſans prevention les titres ſur leſquels cette puiſſante & ſeditieuſe Ville, appuye le droit de ſe ſouſtraire de l'autorité du Statholder, les trouvera ſi peu ſolides, qui'l ſera ſurpris qu'aucun homme ſenſé puiſſe y donner la moindre attention. Elle produit de pretendus privileges qui lui ont eſté accordez en divers temps par Marie & par Philippes II. & qui ont eſté confirmez depuis l'établiſſement dela Republique par les Etats meſmes au prejudicé d'un de mes Anceſtres. Elle allegue en meſme temps l'obligation à laquelle elle s'eſt engagée par ſerment ſolemnel à chaque mutation de Magiſtrats, de maintenir les dits privileges. Pour détruire des droits auſſi mal-etablis, il ne faut que conſulter les Loix de la Republique, qui lors de ſa fondation en ſupprimant le gouvernement Monarchique, ont en meſme temps abrogé tous les privileges, & toutes les Conceſſions accordées par les Soverains; ſi cette abrogation n'a pas eſté faite par des Actes exprés, elle l'a eſté du moins tacitement, parce que ces ſortes de prerogatives ne conviennent point à l'état d'une Republique, ny à l'égalité & à l'union qui doivent regner parmy tous les Membres qui la compoſent. D'ailleurs, les pretendus Actes que les Etats ont donnez en divers temps en faveur de cette Ville contre un de mes Anceſtres, ne peuvent pas eſtre des titres valables contre les droits de la Charge de Statholder que j'ay bien voulu conſerver;

tors and myſelf have done to this State, ſince the Eſtabliſhment of the Republic; and, ſuffering themſelves to be ſeduced by ſome ſeditious Spirits, who are jealous of my Grandeur, and of my Credit in theſe Provinces, do take Advantage from my Abſence, and the Engagements in which I am involved; and will needs revive a Pretenſion as chimerical, and ill grounded in itſelf, as it is injurious to my Glory.

For, whoever ſhall without Prejudice examine the Titles on which this powerful and ſeditious City grounds its Right of withdrawing itſelf from under the Authority of the Stadtholder, will find them ſo little ſolid, that he will wonder any Man of Senſe can in the leaſt regard them. It alledges pretended Privileges, which have been granted to it, at Times, by Mary *and by* Philip II. *and which have been confirmed, after the Eſtabliſhment of the Commonwealth, by the States themſelves, to the Prejudice of one of my Anceſtors. It alledges the Obligation, to the which by ſolemn Oath, at every Change of Magiſtrates, it ſtands engaged to maintain the ſaid Privileges. Now, to overthrow theſe ill-eſtabliſhed Rights, there needs no more but to conſult the Laws of the Republic, which, from their very Foundation, by ſuppreſſing Monarchical Government, have, at the ſame time, abrogated all the Privileges, and all the Conceſſions granted to them by their Sovereigns; which Abrogation, if it has not been done by expreſs Acts, at leaſt it has been made tacitly; becauſe theſe ſorts of Prerogatives do not at all agree with the State of a Commonwealth, nor with the Equality, and the Union which ought to reign amongſt the Members that compoſe it. Beſides, the pretended Acts which the States have, at diverſe Times, made in favour of this City againſt one of my Anceſtors, cannot have any Title to be held of weight againſt the Rights of the Office of Stadtholder, which I have ſet myſelf*

ſerver ; puis qu'alors la République eſtant encore naiſſante, on ne conſultoit pas toûjours les Loix & la Juſtice dans les Deciſions des Etats ; on eſtoit obligé de s'accommoder au temps, & de ſouſcrire aux demandes quoi qu'injuſtes des Villes, pour ne point aigrir les peuples, & pour ne pas réveiller un reſte d'inclination pour leurs anciens Princes, qui n'eſtoit pas tout à fait éteint dans leurs cœurs. Ce que je vous dis eſt ſi vray, que depuis que le Gouvernement a eſté ſolidement établi, les Etats reconnoiſſant l'injuſtice de certains Actes que la neceſſité des temps avoit arraché d'eux, y ont dérogé ſagement dans la ſuite. Je pourrois meſme pour aneantir ces pretendus droits, avoir recours à la preſcription, puiſque depuis prés d'un ſiecle ceux d'Amſterdam ne ſe ſont point aviſez de les faire revivre, quoy que l'occaſion s'en ſoit preſentée pluſieurs fois pendant l'abſence de mes Anceſtres, lors que l'intereſt de l'Etat les appelloit en un pais étranger, pour y commander les Armées. Alors ceux qui exerçoient la Magiſtrature à Amſterdam plus inſtruits de leurs devoirs, & moins ambitieux que ceux de ce temps-cy, ne croyoient pas que ce fuſt déroger aux droits & aux privileges anciens de leurs Villes, que d'envoyer demander les ſuffrages du Statholder abſent, pour le choix des Bourguemeſtres & des Echevins. En dernier lieu meſme, lorſque le bien de mon ſervice, ou celuy de l'Etat m'ont appellé hors des ces Provinces ; ils n'ont fait aucune difficulté d'avoir recours à moy, comme au legitime diſpenſateur de leurs Magiſtratures. Je reconnois á ce trait injurieux, l'ancienne averſion de cette Ville pour la grandeur de ma Maiſon, & l'oppoſition qu'elle a toûjours affectè de montrer á toutes les propoſitions que je faiſois autrefois pour le bien de la République ; mais ce qui me

ſelf to conſerve ; becauſe the Republic being at that Time in its Infancy, the States did not, in their Deciſions, always conſult what was Law and Juſt ; they were forced to accommodate themſelves to the Times, and yield to the Demands of the Cities, even though unjuſt, leſt they ſhould irritate the People, or awake in them a hankering Inclination towards their ancient Princes, which was not altogether extinguiſhed in their Hearts. What I tell you is ſo true, that after the Government was firmly ſettled, the Eſtates, being conſcious of the Injuſtice of certain Acts, which the Neceſſity of the Times had wrung from them, did, in proceſs of Time, derogate from them. I could too, to ſhew the Nullity of theſe pretended Rights, have Recourſe to Preſcription ; ſince, for almoſt an Age after, they of Amſterdam *did not judge it adviſable to revive them, although the Occaſion was many times preſented in the Abſence of my Anceſtors, when* the Intereſt of the State called them to a Foreign Country *to command their Armies ; at which Times they who exerciſed the Magiſtracy of* Amſterdam, *better inſtructed in their Duties, and leſs ambitious than thoſe now-a-days, thought it no Derogation from the Rights and ancient Privileges of their Cities, to ſend to aſk the Suffrages of the abſent Stadtholder, for the Choice of their Burgo-maſters and Sheriffs. Laſtly, I could alledge, that when the Good of my own Service, or that of the Republic, have called me out of thoſe Provinces, they made no Difficulty at all to have Recourſe to me, as to the lawful Diſpoſer of their Magiſtracies. This injurious Treatment makes me reflect on the ancient Averſion this City has had to the Grandeur of my Houſe, and on the Oppoſition that it has ever deſignedly ſhewn to all the Propoſals I have at other Times made for the Good of the Commonwealth. But that which ſurprizes me is the Blindneſs of the Mem-*

bers

me ſurprend le plus c'eſt l'aveuglement des Membres des Etates, meſme des plus èclairez, qui ſe laiſſent faſciner les yeux par les inſinuations trompeuſes de cette artificieuſe Ville, & qui ne s'apperçoivent pas du piege qu'elle leur tend ; car elle les ſurprend avec adreſſe en reveſtiſſant ſon mauvis-deſſein d'une fauſſe apparence de neceſſité & de juſtice, pour pavoir plus impunemént aneantir le reſte de l'autorite du Statholder, & introduire enſuite dans la Magiſtrature des gens à ſa devotion, dont les ſuffrages lui ſoient aſſurez, ſoit pour ſe ſeparer de l'union des Provinces, ſi elle le juge à propos, ſoit pour les engager à ſe ſeparer de la ligue, & à conclure à ſa faintaſie une paix auſſi honteuſe que celle de 1678, en demeurant unie avec alles. Je ne ſçay point quelle reſolution les Etats prendront ſur une affaire auſſi e delicate que celle-cy, mais j'ay peine à croire qu'ils imitent leurs predeceſſeurs, en acquieſçant contre moy à l'injuſtice & dangereuſe demande de cette ville, & qu'ils manquent en cette occaſion au reſpect, à la conſideration & à la reconnoiſſance qu'ils me doivent ; je ſcay bien que s'ils prenent ce party, je ne ſeray pas ſi traitable, ny ſi complaiſant que celuy de mes Anceſtres, à qui ils firent ce paſſe-droit : Comme ma fortune, mon elévation, & mon caractere, ſont infiniment audeſſus de ceux dont il eſtoit alors reveſtu ; ils doivent auſſi s'attendre un reſſentiment different et proportionné à mon rang et à mon genie, et compter que quand un Roy a bien voulu s'abaiſſer juſques à ne point mépriſee l'employ de leur Statholder, non ſeulement ils ne doivent pas penſer à en diminuer l'authorité et les prerogatives, mais qu'ils doivent au contraire en meſurer l'étenduê à la Grandeur et à la Majeſte Royale. Je ne ſuis pas cependant ſi peu informe de mes

bers of the States, even of thoſe who are the moſt judicious, who ſuffer themſelves to be bewitched by the deluſive Inſinuations of this crafty City, and are not aware of the Snare that is laid to intrap them ; for they ſurprize them, by cloaking their wicked Deſign with a falſe Appearance of Neceſſity and Juſtice, that they may with more Impunity deſtroy what is left of the Authority of the Stadtholder, and thence to introduce into the Magiſtracy People devoted to them, of whoſe Suffrages they are aſſured ; whether it be with Intent to ſeparate itſelf from the Union of the Provinces, if they judge it convenient ; or to engage them to depart from the League ; or, remaining united with them, to conclude a Peace at their Pleaſure, as ſhameful as that of 1678. I do not know what Reſolution the States will take in ſo tender a Buſineſs as this is, but I can hardly believe that they will imitate their Predeceſſors, by condeſcending, in Oppoſition to me, to the unjuſt and dangerous Demand of this City ; or that in this Occaſion they will fail of the Reſpect, the Conſideration, and the Acknowledgment they owe me ; but this I know for certain, that if they ſide with that Party, I ſhall not be ſo tractable, nor ſo complaiſant, as was that Anceſtor of mine, to whom they did the ſame Injuſtice : As my Fortune, my Elevation, and my Character, are infinitely above thoſe he then wore, ſo they ought likewiſe to expect a Reſentment both different, and proportioned to my Rank, and to my Genius ; and to reckon, that when a King has been pleaſed ſo to abaſe himſelf as not to deſpiſe the Office of their Stadtholder, not only they ought not to think of diminiſhing *its Authority and Prerogatives, but on the contrary, that they ought to* enlarge it, *in Proportion to the* Grandeur *and Sovereign Majeſty of a King. Yet I am not ſo little ſeen in my own true Intereſts, as not to know that my Fortune is at-*

mes veritable interefts, que je neſçache que mon ſort eſt comme attache à l'amitie et à la protection des Etats, et que lors que je hazarde de me broüiller avec euz, je commets mon établiſſement en Angleterre, dont vous connoiſſez auſſi-bien que moy l'incertitude et le peu de ſolidité. Mais il n'importe, quelque riſque que je puiſſe courir; il n'y a extremité à laquelle je ne me porte pour ſoûtenir mon rang et ma gloire; quiconque a oſé entreprendre l'affaire d'Angleterre peut n'eſtre pas aimé, mais il doit eſtre craint et menagé. Qui a ſçû reduire la Ville de Londres du moins auſſi ſauvage & auſſi difficile à gouverner que celle d'Amſterdam, peut bien mettre cette derniere Ville à la raiſon, & a la faire repentir de ſon ingratitude. Entrez dans mon eſprit & dans ma penſée, & inſinuez vivement aux Etats la ferme reſolution que j'ay priſe de ne me point relâcher de mes droits, s'ils ne me rendent pas la juſtice qu'ils me doivent. Le reſſentiment que je ſeray eſclater contre eux m'affermira ſur le Trône; car enfin je connois l'ancienne jalouſie des deux Nations l'une contre l'autre; je ſçay que le commerce a toûjours eſté la Pomme de Diſcorde entre elles, ainſi je ne doute pas que la propoſition de ruiner le commerce de Hollande ne ſoit agreable reçûe en Angleterre, & ne reuniſſe en ma faveur les Anglois, auprûs deſquels les engagemens èt raits que j'ay avec les Etats, me rendront toûjours ſuſpect. Vous m'alleguerez ſans doute que la France ne manqueroit pas de profiter de ce deſordre, & qu'enfin le malheur en retomberoit peut-eſtre ſur moy; j'en conviendray avec vous, mais on ſacrifie ſouvent la politique à la vengeance, & cette Couronne qui eſt peut-eſtre moins agrie contre les Anglois que contre les Hollandois, qu'elle regarde comme les inſtrumens

attached to the Friendſhip and Protection of the States; and that when I hazard to embroil myſelf with them, I at the ſame Time endanger my Eſtabliſhment in England, which you know as well as I how uncertain and weak it is. *But 'tis no matter,* let me run what Riſque I will, *there is no Extremity which I will not undergo to maintain my* Rank *and my* Glory. Whoever has been ſo hardy as to enterprize upon the Affair of *England,* cannot hope to be loved; he ought to make himſelf feared and humoured. *He who knew how to reduce* London, *a City at leaſt as* wild, *and as hard to govern as that of* Amſterdam, *will eaſily be able to bring this latter Town to Reaſon, and make it repent its Ingratitude. Enter well into my Mind, and into my Thoughts, and inſinuate feeling'y to the States, the firm Reſolution I have taken, not to abate a Tittle of my Rights, in caſe they ſhould refuſe to render me the Juſtice which they owe me. The Reſentment which I will flaſh out againſt them, will perhaps gain me Credit in* England, *and make me ſtand firm upon the Throne; for I am not to be taught the ancient Jealouſy of the two Nations againſt one another; I know well that* Trade *has ever been the* Apple of Diſcord *between them; whence I cannot doubt but the Propoſal of ruining the Trade of* Holland *will be very welcome to* England, *and will re-unite the* Engliſh *in my Favour, with whom the ſtrict Engagements I have with the States will always render me ſuſpected. You will, I doubt not, alledge that* France *will be ſure to make its Advantage of this Diſorder, and that the Miſchief will, at laſt, poſſibly fall upon me. I grant it; but Men often* ſacrifice their Policy to their Revenge; *and that Crown, which is perhaps leſs exaſperated againſt the* Engliſh *than againſt the* Hollanders, *whom they look upon as the Inſtruments and Inciters*

ſtrumens & les moteurs de cette guerre, ſuivroit peut-eſtre les meſmes maximes, pourvû que d'ailleurs elle y trouvaſt également ſon compte. Je remets à voſtre prudence la conduite de cette affaire, & vous recommande de vous ſervir de toute voſtre addreſſe, pour la faire reüſſir à mon avantage ; mais ſur tout apprenez à connoiſtre le caractere des Republiques, auprés deſquelles il faut moins employer la douçeur que les menaces ; la premier voye les rendant ordinairement fieres & intraitables, & l'autre produiſant un effet contraire. Sur tout, ne recherchez point avec trop d'empreſſement les amis & les ſerviteurs que j'ay en Hollande, car quelque affectionez qu'ils me puiſſent eſtre, quand ils ne ſont pas contenus dans le devoir par ma preſence, ils ſont toûjours Hollandois, c'eſt à dire Republicains, ennemis du Statholder, & ſuſceptibles de l'eſprit ſeditieux des anciennes Factions, que vous ſçavez n'avoir pas eſté entierement étouffées dans le ſang des De-Witt ; ce que je vous dis, n'eſt pas ſeulement fondé ſur la connoiſſance particuliere que j'ay du genie de ces Peuples, mais encore ſur les avis que j'ay receûs de ceux qui par devoir ou par inclination me ſont le plus affectionnez ; qui au lieu de deteſter un pareil attentat, & de me'exciter à la vengeance, me convient mollement à ſoûtenir mes droit, & me font tacitement connoiſtre que l'acquieſcement qui viendroit de ma part, ſerois plus de leur gouſt que l'oppoſition & la reſiſtance ; tant eſt grand l'aveuglement des peuples, qui ont en general une averſion naturalle pour leurs ſuperieurs, quelques bien-faits & quelques ſervices eſſentiels qu'ils en ayent reçus.

Si voſtre negociation reüſſiſſoit comme je le deſire, quoy qu'entre nous je n'oſe l'eſperer, parce qu'il me paroiſt un concert ferme entre ces gens-la de diminuer

citers to this War, will, it may be, follow the ſame Maxims, ſo it can in other Regards equally find its Account in it. I leave the Conduct of this Affair to your Prudence, and recommend it to you to uſe your beſt Dexterity to make it ſucceed to my Advantage: But, above all, learn to know the Character of Republics, with whom 'tis leſs effectual to uſe Sweetneſs than Menaces; the former Method does generally make them fierce and untractable, the latter works a contrary Effect. Particularly, do not too earneſtly court thoſe Friends and Servants which I had in Holland: *For, however affectionate they may be to me, yet, when they are not kept within their Duty by my Preſence, they are ſtill* Hollanders, *that is to ſay* Republicans, *Enemies of the Stadtholder, and ſuſceptible of the ſeditious Spirit of the old Factions, which you know have not been yet perfectly quenched in the Blood of the* De-Wits. *What I tell you is not only grounded on the particular Knowledge I have of the* Genius *of theſe People, but alſo on the Advice I have received from thoſe, who, out of Duty or Inclination, are the moſt affectionate to me; who, inſtead of deteſting ſuch a Procedure, or exciting me to* revenge *it, wiſh me to maintain my Rights with* Sweetneſs, *and in ſoft Terms give me to underſtand, that Acquieſcence on my Part will better pleaſe them than Oppoſition and Reſiſtance. So great is the* Blindneſs *of People who have generally a natural Averſion to their Superiors, what Benefits or eſſential Services ſoever they have received from them.*

If your Negotiation ſucceeds, (tho' betwixt ourſelves, I dare not hope it, there being, as appears to me, a firm Reſolution concerted among thoſe People

diminuer l'autorité du Statholder, & que d'ailleurs le long commerce que j'ay eû avec eux, m'a appris que je n'y pouvois prendre que tres-peu de confiance, lors qu'il s'agiſſoit de leur Intereſts. Sollicitez puiſſament les Etats de m'envoyer au Prin-temps prochain, s'il eſt poſſible, un renfort de troupes Hollandoiſes, pour employer à la conqueſte du reſte de l'Irlande, et repreſentez leur viviment; non pas tant par rapport à moy parce que cela pourroit leur eſtre ſuſpect, que par rapport de la guerre dans laquelle ils ſont engagez contre la France, et à la diminution de la dépenſe, qui eſt, comme vous ſçavez, un puiſſant cherme pour eux; que ſans ce ſecours, que j'offre d'entretenir à mes dépens, j'auray peine á venir à bout de mes deſſeins, et a conſommer heureuſement cette enterpriſe. Menagez pendant cette negociation avec beaucoup de delicateſſe et d'habilité; car ſi vous témoigniez de l'empreſſement, ils ſont aſſez ſoupçonneux pour croire que je leur ferois cette demande plûtot pour me rendre Maiſtre de leur forces, & pour les reduire à ſe ſoumettre à mes volontez, que pour terminer l'expedition d'Irlande. Cependant quoy que j'aye pris de meſures pour tirer des troupe d'Allemagne, je ne me ſçaurois que difficilement paſſer de celles de Hollande; car ſans cela, veû les renforts conſiderables que le Roy tres-Chreſtien ſe diſpoſe à faire paſſer en Irlande, je ſerois obligé d'avoir recours aux Anglois, que je n'oſeriois armer non plus que des Furieux, & deſquels je ne dois pas attendre plus de fidelité & d'affection, qu'ils en on témoigné au Roy Jaques mon predeceſſeur lorſque je ſuis entré en Angleterre; ſur ce je prie Dieu, mon Couſin, &c. à Vitehal le 20, Janvier 1690.

GUILLAUME.

to leſſen the Authority of the Stadtholder; and, beſides, by long Converſe with them, I have learned that I can put very little Truſt in them when their own Intereſt is in Agitation) then ſolicit the States with all your Power to ſend me next Spring, if poſſible, a Reinforcement of Holland *Troops, to be employed in the Conqueſt of the reſt of* Ireland; *and repreſent it to them lively; not ſo much for any Regard it has to me, becauſe this may breed in them ſome Suſpicion, as in Reference to the War againſt* France *in which they are engaged, and to the retrenching the Expence, which you know is a powerful Charm with them. Tell them that without this Succour,* which I offer to maintain at my own Coſt, *I ſhall have great Difficulty to compaſs my Deſigns, or bring this Undertaking to a happy End. In the mean Time manage this Negotiation with all Charineſs and Dexterity; for if you ſhew an Earneſtneſs in it, they are ſuſpicious enough to apprehend, that I make this Demand to them,* more to make myſelf Maſter of their Forces, and to bring them to ſubmit to my Will, than to finiſh the Expedition for Ireland. *Now, tho' I have taken ſome Meaſures to draw Troops out of* Germany, *yet I cannot without Difficulty want thoſe of* Holland; *for, without thoſe, conſidering the Reinforcements which the Moſt Chriſtian King is preparing to ſend into* Ireland, *I ſhall be put to have Recourſe to the* Engliſh, who I dare no more arm than ſo many Madmen; and from whom I ought not to expect more Fidelity and Affection than they ſhewed to King *James*, my Predeceſſor, when I came into *England. For this End I beſeech God*, &c. *Given at* Whitehall, *the 20th of* January, 1690.

WILLIAM.

REFLEC-

REFLECTIONS on the foregoing LETTER.

IT is neither Flattery nor Pique to any Party which made me tranſlate and publiſh this Letter. I am an *Engliſhman*, and only the ſincere Love of my Country, was the Motive which induced me to meddle with ſuch a dangerous Buſineſs. I am ſure no other Conſideration did influence *me*, but a due Regard to the Good of *England*; whoſe Miſeries now *cry* ſo loud, that they *awaken* every true Son of hers to ſeek her Redreſs, by communicating to *many* what is the common Concern of *all*. The Letter itſelf is ſo natural in all its Parts, and Circumſtances, that it vouches its own Reality to every intelligent Reader; and the Original is producible when it may be ſafe and prudent.

The Contents of it lead us to reflect on the *Genius* of the Inditer, what *Holland* thinks of him, what he thinks of *England*, and what *England* muſt expect from him. We were made believe that he was far from any *ſelfiſh* Ends, but came over out of *pure Zeal* for our Religion, Laws, Liberties, and Properties; but this Letter, the true *Index* of his Mind, and moſt inward Thoughts, (as being writ to his moſt intimate Friend,) plainly diſcovers a Temper *ſolely* bent to purſue his own private *Grandeur*. It is from firſt to laſt, an ambitious and moſt anxious Anhellation after his own private *Glory*; and with that Tranſport as to diſregard the ruining himſelf, and ſacrificing all his other Engagements, and pretended general Goods, rather than to ſuffer the Diminution of the leaſt Tittle of it. The *Hollanders* had, to their Coſt, had Experience of this haughty and arbitrary Humour, which threatened the Ruin of their Government; and therefore had the Wit to ſend him over to us *at our Charge*, and when he was gone, to wipe their Hands of him: They were ſo prudent too as to conſider, that ſince King *William* owed more to *England* than to *them*, he could not poſſibly be *true to Both*, but muſt *divide* his Kindneſs (perhaps unequally too) between *them* and the *Engliſh*. And have not we the ſame Reaſon to be jealous of his Heartineſs to *England*, ſeeing that he ſet ſuch a Value on the Office of Stadtholder, (the keeping or loſing which depends on their Pleaſure,) that he will hazard *All*, rather than one Jot of that Authority ſhould be baulked him. He threatens to bring their Trade to *England* if they do not comply; and if he *can* do this Favour, (as he grants,) why does not he *actually* do it? I am ſure, *England*, thus loaden with heavy Taxes, and impoveriſhed with frequent Loſſes, and an Infinity of poor Foreigners hanging upon her, does exceedingly need his Favour in that Particular. Is not this to tell us in plain Terms, that *he will not do what he can for* England, in caſe the *Dutch* will but carry it civilly with him; and to confeſs that he has been, hitherto, but *half Friend*, *half Foe* to us, in that our main Concern? To what Degree he has aſſiſted us in this, the *impoveriſhed Merchant*, and *Decay of Trade*, will feelingly inform us, without Need of the Letter of *Min Heer* — to *Min Heer*, which lays it open at large: But certainly, that People muſt be very unhappy that has made Choice of a King, whoſe Intereſt obliges him to be indifferent, and a Kind of *Neuter* between them, and thoſe who are Competitors, in that which is the moſt ſtable Subſiſtence of the Nation, and the

main Fund of their Riches, and consequently of their Power. This Letter plainly shews us, that his Circumstances force him upon the Policy to let his Protection hover, with doubtful Wings, betwixt the two Nations, (as it does here between the Church of *England* and the Dissenters,) and they who please him most shall partake the greatest Share of it, but he will be *intire to neither*.

And yet, if Gratitude may sway with him, *England* may still with all Reason expect, that this *Son* of *Glory* will shine with a fuller Aspect upon it than upon the *Hollander*, since they have disobliged him, whereas we on the other Side have obliged him *infinitely*; for, we have abdicated our lawful Prince, and accepted him, though a Foreigner, for our King: To do this, we have violated the most fundamental Laws of *England*, by traversing the immediate Succession. We have engaged ourselves in the costly, dangerous, and (in Likelihood) the lasting War of the Confederates against *France*, which we were free from before; a Blessing to *England*, which (amongst diverse such others) he brought over with him. We have exhausted ourselves, to give him vast Sums of Money, besides what we have kindly lent him out of our Pockets, and, as Things stand, upon very *slight Security*. We have raised him great Armies of Soldiers, to keep him in the Throne, if we can, and have reposed such a Trust in him, as to let him bring in as many Foreigners as he will; nay, so many, that, siding with the Government, they were able, if he pleases, to subdue *England*. We have broken our Oath of Allegiance to King *James*, nay, that of Supremacy too, by bringing in a new King by *Election*; which makes the People absolutely *Supreme*, and *Kingmakers*. We have suspended, if not renounced, the avowed *Principles* of our Protestant Religion, *Indispensable Allegiance*, and have more than *cracked* the Commandments themselves. Lastly, we have slighted, and wilfully shut our Eyes against God's astonishing and most evident Judgments of diverse Kinds. *All this*, and many other such like extravagant Kindnesses we have done for him; and *Holland* has not done *one Jot of all this*; and what is our Reward? The highest and utter Disconfidence in us, and the highest Confidence placed in the *Dutch*. We *English* are looked upon and characterized by him as *tant de furieux*, *so many Madmen*, not at all to be trusted with Weapons in our Hands, and upbraided for *deserting* our own King, and running over to him. Those *Sober* Men, *Danes*, *Germans*, and *Hollanders*, may be suffered to handle *edged Tools*, but not *Englishmen* by any Means, in case enough of other Nations can be hired for *our Money:* And what is the plain *English* of this, but that those out-landish Forces shall govern *England*, or he *govern* it by them? We *Madmen* are good for nothing but to be shackled, manacled, tied up, kept in the Dark, (which we have been sufficiently,) lest we hurt ourselves or others; we are to be kept at *spare Diet*, and *hard Fare*, good Feeding will increase our Distemper, and make us pampered, fierce, haughty, and ungovernable. The City of *London* is (as he says) *wild* too, nay *at least as wild as Amsterdam* (which is described here to be little better than extravagantly *mad*) yet he brags he has *reduced*, that is, *tamed* that too: And it is true, for nothing *tames* rich Men so much as Poverty. The Lieutenancy is doubtless *wild* also, and therefore it is to be shifted to and fro, that one Side may *tame* the other: Yet *London* is not tamed half enough. Four

(some

(ſome ſay five) Millions are owing already, and yet there needs two Millions more for his preſent Occaſions to carry on the War; and this Money, and (in Likelihood) twice as much more when that is ſpent, *muſt be had* on ſome Faſhion: But how? The Country is already at the Bottom of its Purſe. *Univerſal Exciſe* is ſo perfectly *Dutch* Tyranny, and ſo unheard of here, that it will never down with the *Engliſh*: What remains then but that our Magazine of Money, *London*, is to be in due Time rifled, the Wit of Man cannot imagine: Talk not of *Law*, Neceſſity, that knows none, will *demand* it; and a Neceſſity too the moſt preſſing and extreme that can be; for otherwiſe the War againſt King *James* cannot be upheld, and ſo the Grandeur of the *Tamer* would be abaſed, the high *Elevation* depreſſed, and the glorious Character darkened and defaced; in ſuch a deſperate Caſe, then immenſe Sums are abſolutely needful, and when the lending Hand draws back, for Fear of Non-ſolvency, *Neceſſity* will be put to ſpeak in its own Language, and cry, *I muſt and will have it.* And how muſt it be extorted? Not by our own Country-Men, this cannot be expected; it can only then be wrung from us by Foreign-Hands, and by the Help of thoſe *ſober* Men above-mentioned; whoſe Prey, though they whet their Courages firſt in *Ireland*, *England* is in all Likelihood deſigned to be: For, if the Great Commander of them and us, be (as himſelf has told us in this Letter) ſo over-fond of *Glory*, and hurried towards it with ſuch an impetuous Affection, that he will hazard his own *Ruin*, rather than abate *one Tittle* of the (in Compariſon) contemptible Authority of the *Stadtholder* of *Holland*; do we think he will ſtick to *ruin us*, rather than loſe the Majeſty of a *Sovereign King* of *England*, *Scotland*, *France*, and *Ireland*, which he eſteems to be *infinitely above his former* Condition. And by what Means can he do this, and wreak the Revenge he ſo threatens to the Diminiſhers of his Glory, but by outlandiſh Inſtruments? All which duly conſidered, I ſee no Reaſon why we ſhould not be as jealous as the *Hollanders*, and more juſtly fear that he ſends for their Forces *more* to ſubdue us, and *make us ſubmit to his Will, than to finiſh the Expedition for* Ireland.

In a Word, he declares himſelf utterly diſconfident of the *Engliſh* as of *ſo many Madmen*, and that he expects not *that they will be more faithful to him than to King* James, *when he came over*; he confeſſes he *cannot be loved in England*, after his bold Attempt upon it; which ſhews it impoſſible he ſhould love *England*, that *cannot love him.* He declares, that it is his *proper* Method of ruling it, and his beſt Play to make himſelf *feared*, which ſhews he looks upon himſelf as diſobliged by us; and what ſevere Revenge he breathes out againſt his Diſobligers, his own angry Expreſſions inform us: And by what Means can he think himſelf able to make *Engliſhmen fear* him, and (if need be) to *revenge* himſelf upon them, and to get Money to ſupport himſelf by carrying on the War, but by *Foreign Forces* ſubduing and enſlaving us, and then paying themſelves, when we will not, or cannot? *En qua Diſcordia cives perduxit miſeros, en queis conſevimus agros!*

[From the late Earl of *Oxford*'s COLLECTION.]

Some

Some Sober and Weighty Reaſons againſt Proſecuting *Proteſtant Diſſenters*, for Difference of Opinion in Matters of Religion. Humbly offered to the Conſideration of all in Authority.

I. *Reaſ.* BEcauſe the great and mighty God, who is King of Kings and Lord of Lords, hath not impoſed Matters of Religion upon the Conſciences of Men and Women by any outward Force: God hath not appointed Death, nor Baniſhment, nor Impriſonment, nor Loſs of Goods, as a Means to bring Perſons to conform to the Way of his Worſhip; but God hath given his Word, and favoured the World with ſuch as can preach it, whoſe Work is to invite, intreat, perſuade; and not in a lordly Way to domineer over the Conſciences of Men and Women, whether they be Rich or Poor.

II. *Reaſon.* Becauſe all Sorts of Mankind are fallible in ſome divine Matters, even in all Countries; the Princes, the Prieſts, and the People, are yet ſhort of Infallibility in many Matters of Divinity; yea the moſt eminent Miniſters of the Goſpel in the primitive Time confeſſed they *ſaw but in Part, and they knew but in Part*; and ſaid to their Fellow-Chriſtians, that they would not *lord* or *domineer over them*, but be *Helpers of their Joy*.

III. *Reaſon.* Becauſe all Sorts of Perſons do deſire this as a great Good for themſelves, even thoſe that are for diſtreſſing of, and impoſing upon others, would not be ſo dealt with themſelves, but would account it hard Meaſure, yea Cruelty, to be forced to ſuch Things in Religion as are againſt their Conſciences, or elſe to ſuffer in their Purſe or Perſons. As for Inſtance, the *Epiſcopal Proteſtant* would deem it great Perſecution to be puniſhed if he would not turn *Preſbyterian*, *Independant*, *Baptiſt*, or *Quaker*; and why then ſhould the *Epiſcopal Proteſtant* take Pleaſure in puniſhing of, and ſo force any of the others to be of his Mind? And therefore great and good Reaſon it is to walk by that bleſſed Rule Chriſt hath given, *Do unto others as you would they ſhould do unto you, and what you would not others ſhould do unto you, do not to them.*

IV. *Reaſon.* Becauſe forcing the Conſcience is the ready Way to make Men Hypocrites; for if Perſons conform to any Way of Worſhip unwillingly, they cannot ſerve God acceptably, though the Matter and Form of Worſhip be never ſo right, becauſe the Heart of the Worſhippers is not right, the Service being performed by Man's Compulſion; God requireth that his Service ſhould be performed with *a perfect Heart, and a willing Mind*; but he that conforms by Compulſion, inſtead of being God's Servants, he is but Man's Slave: and the Conformity is to Man, and not to God.

V. *Reaſon.* Becauſe his Majeſty did ſolemnly promiſe Liberty of Conſcience in Matters of Religion, when he was at *Breda*, juſt upon his Reſtoration to his Throne and Kingdoms, in *April* 1660, In theſe Words: 'We do declare a

'Liberty

'Liberty to tender Conſciences, and that no Man ſhall be diſquieted, or called 'in Queſtion for Differences of Opinion in Matters of Religion, which do not 'diſturb the Peace of the Kingdom; and that we ſhall be ready to conſent to 'ſuch an Act of Parliament, as upon mature Deliberation ſhall be offered to us, 'for the full granting that Indulgence.'

VI. *Reaſon*, Becauſe the proſecuting the *Proteſtant Diſſenters* for Matters of Conſcience, is a great diſquieting of the Minds of great Numbers of his Majeſty's good Subjects, and a great Hindrance to the Trade of the Kingdom, the Diſſenters being a great part of the Trading People of this Kingdom; and ſomething of this his Majeſty was graciouſly pleaſed to take into his Princely Conſideration, when he put forth his indulging Declaration, by the Advice of his Privy-Council, in *March*, 1672. after a violent Proſecution of that Act againſt Conventicles, in theſe very Words: 'But it being evident by the ſad Experi-'ence of twelve Years, that there is very little Fruit of all thoſe FORCIBLE 'Courſes: We think Ourſelf obliged to make uſe of that Supreme Power in 'Eccleſiaſtical Matters, which is not only inherent in us, but hath been declared 'and recognized to be ſo by ſeveral Statutes and Acts of Parliament; and there-'fore we do now accordingly iſſue this our Declaration, as well for the quieting 'of the Minds of our good Subjects in theſe Points, as for inviting of Strangers, 'in this Conjuncture, to come and live under Us, and for the better Encou-'ragement of all to a chearful following of their Trade and Callings, from whence 'we hope, by the Bleſſing of God, to have many good and happy Advantages 'to our Government.'

VII. *Reaſon*, Becauſe the Lords and Commons aſſembled in Parliament, ſince theſe Declarations, have upon MATURE DELIBERATION, conſidered the ill Conſequences of proſecuting the Proteſtant Diſſenters by the Penal Laws, and have ſhewed their Willingneſs to a Toleration, and prohibiting of a Proſecution of Proteſtants for Matters of Conſcience.

VIII. *Reaſon*, Becauſe the *French* Proteſtants, who are the Diſſenters from the Eſtabliſhed Worſhip of that Kingdom, are graciouſly received by the King, and kindly received and ſuccoured by the People of *England*, and the *French* King is highly blamed for perſecuting his peaceable Subjects; and therefore much more Reaſon that Proteſtants ſhould not perſecute one another, for it is to do the ſame Things that is condemned in others: Therefore let the Words of the Apoſtle *Paul* be well conſidered, *Rom.* ii. 1. *Thou art inexcuſable, O Man, whoever thou art, that judgeſt another, thou condemneſt thyſelf, for thou that judgeſt doeſt the ſame Things thyſelf*, Verſe 3. *And thinkeſt thou, O Man, that judgeſt them which do ſuch Things, and doeſt the ſame, that thou ſhalt eſcape the Judgment of God?*

IX. *Reaſon*, There is a good and great Agreement between the Conforming and Non-conforming Proteſtants, in the chief Things of the Proteſtant Religion: As for Inſtance; 1. Both Parties believe in the Holy Trinity, *viz.* the Father, Son, and Holy Ghoſt: 2. That *Jeſus Chriſt* is very God and very Man, and the only Saviour of Sinners: 3. That Salvation doth depend upon the miraculous Birth, the holy Life, the painful Death, the wonderful Reſurrection, the joyful Aſcenſion, the conſtant Interceſſion, and the Second Coming of *Jeſus Chriſt*: 4. Both Parties believe that the Worſhip of God, and the Converſations

of

of Men, ought to be according to the Holy Scriptures, and not according to the Inventions of any ſort of Mankind: 5. Both Parties do deny all Mediators but only *Jeſus Chriſt*, and abhor praying to deceaſed Saints: 6. Both Parties deny a Purgatory, and do believe and profeſs a Heaven of Eternal Joy for the Godly, and a Hell of Eternal Woe for the Wicked. All theſe Things more largely and plainly are made manifeſt in Confeſſions of Faith, printed by the Diſſenting Proteſtants as well as by the Conforming Proteſtants. Now the Matters wherein they differ from each other being ſmaller than the former Things, and yet ſuch as each Party cannot conform unto without wronging their Conſcience, and ſo ſinning againſt God, therefore they ought not to be forced.

X. *Reaſon*, Becauſe Perſecution for Matters of Conſcience is a Breach of the good Rules of Humanity and common Civility among all ſorts of Men, which is carefully obſerved in ſmaller Matters: as for Inſtance, among the many Creatures of God that are Food for Mens Bodies, ſome Things that are very pleaſing and comfortable Food for ſome Men, the ſame Things are very deſtructive to the Health of other Men: Now in this Caſe there is ſuch Civility among all ſorts of Men, that they hate and ſcorn to force one another's Stomachs, looking upon it to be an inhuman Practice; and therefore do friendly ſay to each other, *Pray eat that which will beſt go down, and agree with your Stomach.* Now foraſmuch as Conſcience is greater than Stomach, and the Hurt of the Soul greater than the Hurt of the Body, how much more ſhould Perſons, eſpecially Proteſtants, be thus friendly one to another in Matters of Conſcience?

XI. *Reaſon*, Becauſe all Proteſtants ought to behave themſelves towards each other as Brethren, there being ſo good and great Agreement between them in the chief Things of Religion; eſpecially they being all in a like Danger of the bloody *Papiſts*, who if ever the Government ſhould fall into their bloody Hands, (which God of his Mercy prevent) then the ſame Miſeries that may befal the Proteſtant Diſſenters, will certainly befal the Conforming Proteſtants; if they prove true to their Proteſtant Principles, they will all be deemed Heretics, and muſt ſuffer as much in their Eſtates and Perſons; and therefore, inſtead of perſecuting one another, they ſhould love each other, and pray for each other; and ſay, as *Abraham* ſaid to *Lot*, *Let there be no Strife between me and thee, for we are Brethren:* and more eſpecially, becauſe the *Popiſh Canaanite* and *Perrizite* are now too much in the Land.

XII. *Reaſon*, Becauſe the Proteſtant Diſſenters do not belong to any foreign Power, but do abhor, deteſt, and proteſt againſt all foreign Power or Juriſdiction over the King, the Kingdom, or any of his Majeſty's Subjects; neither are they covetous of Preferment in Church or State, but willingly leave that to his Majeſty's Wiſdom, and deſire only that they may live a peaceable Life in all Godlineſs and Honeſty under Authority, as God's Word doth direct.

The

The Duke of *Buckingham* his Grace's LETTER to the unknown Author of a PAPER, entituled, *A ſhort Anſwer to his Grace the Duke of* Buckingham's *Paper, concerning* Religion, Toleration, *and* Liberty of Conſcience.

My Nameleſs, Angry, Harmleſs, Humble Servant;

I Have twice read over, with a great deal of Patience, a Paper of yours, which you call an Anſwer to a Diſcourſe of mine; and, to my Confuſion, muſt own, That I am not able to comprehend what Part of my Diſcourſe it is you do anſwer; nor in all yours, what it is you mean: But in this you are even with me; for I perceive you do as little underſtand any Part of what I have written, though I thought it had been in ſo plain a Stile, that a Child of Six Years old might very well have done it. Yet I do not take ill from you this Art you have of miſunderſtanding plain Things, ſince you have done the ſame in his Majeſty's Promiſe to the Church of *England*. The true Meaning of which, (without this miſunderſtanding Art of yours) would eaſily have appeared to be, That he would not ſuffer any body to injure the Church of *England*; but he did not promiſe, that he would have the Church of *England* perſecute every Body elſe.

Having confeſſed that I cannot underſtand your Writing, you ought not to be offended at me, if I cannot remember it neither. And yet there is one Paſſage in it which I ſhall never forget, becauſe it does, in a moſt extraordinary Manner delight me: It is this ſhrewd convincing Argument of yours, which you ſay, *Had you been to treat with Atheiſts, you would have urged to them, that it is impoſſible this World ſhould be eternal, becauſe then it muſt alſo be inviſible.* It is, I ſwear, a refined, quaint kind of Notion; which (to do you Juſtice) I do verily believe, is entirely your own: Yet, for all this, I cannot be abſolutely convinced, that I am now the ſame *George* Duke of *Buckingham*, which I was Forty Years ago. And to ſhew you I am in earneſt, I do here promiſe you, that if you will do for me a Favour leſs difficult, which is, to make me the ſame *George* Duke of *Buckingham* I was but Twenty Years ago, I will (as poor a Man as I am) give you a Thouſand Guineas for your Pains; and that is ſomewhat more, I am afraid, than you will ever get by your Writing.

You have done me the Honour to call yourſelf my humble Servant, and therefore, in Gratitude, I ſhall offer you an Advice, which I am confident, upon ſecond Thoughts, you will not find to be altogether unreaſonable: That hereafter, before you take upon you to write *French*, you will be pleaſed to learn the Language; for the Word *Opinionatrê*, which you are ſo infinitely charmed with in your Paper, has the Misfortune to be no *French* Word; the true *French* Word, which I ſuppoſe you would have uſed, is *Opiniatreté*; and yet I proteſt, I do not ſee how (though you had written it right) it would have much

more graced your Diſcourſe, than if it had been expreſſed in *Engliſh*. Stick therefore to your *Engliſh* Metaphors, at which you are admirable; and be always careful of not turning (according to your own Words) *the Wine of Hopes into the Vinegar of Deſpair*, and then you cannot fail of being ſufficiently applauded by every body, as you are by

Your grateful Friend,

BUCKINGHAM.

REASONS *for paſſing a Bill in* PARLIAMENT, *to erect Three Courts of* Conſcience, *in the Three ſeveral Diviſions hereafter named, being within the Bills of Mortality, and without the City of* London, *and the Liberties thereof; for Relief of poor* Debtors *and* Creditors, *under the Value of Forty Shillings, to prevent vexatious and chargeable Arreſts and Suits at Law.*

[*The two following Papers are at leaſt Fifty Years old, but were printed without Dates.*]

FIRST, The Diviſion of the Borough of *Southwark*, with the Pariſhes in the County of *Surry*, mentioned in the Bills of Mortality.

SECONDLY, The Diviſion of the Hamlets of the *Tower* Liberty, with the Pariſhes in the Bills of Mortality, contained within the Hamlets of the *Tower* Liberty.

THIRDLY, The Diviſion called *Holborn* Diviſion, conſiſting of the remaining Pariſhes, and part of Pariſhes in *Middleſex* (not comprehending *Weſtminſter*, nor the Liberties thereof) likewiſe mentioned in the Bills of Mortality.

THE *Court of Conſcience* for the City of *London*, was firſt erected by an Act of *Common Council* of the ſaid City, in the Nineteenth Year of King *Henry* the Eighth.

The ſaid Court being found to be good and charitable, of great Eaſe and Benefit both to the poor Debtors and Creditors; as alſo much tending to the Quiet and Welfare of the City, and Encouragement of Trade, was, in the Firſt and Third Years of King *James* the Firſt, eſtabliſhed by Parliament; ſtill limiting and confining the Juriſdiction of the ſaid Court to the Citizens and Freemen of the City of *London*, and other Perſons that inhabit, or ſhall inhabit within the ſaid City, or the Liberties thereof, being a Tradeſman, Victualler, or Labourer. Nor did the Juriſdiction of the ſaid *Court of Conſcience* ever yet extend further than the City of *London*, and the Liberties thereof.

That the Borough of *Southwark*, and the Out-Pariſhes within the Bills of Mortality, are of late Years vaſtly increaſed in Buildings and Inhabitants; and abound

abound in poor Tradeſmen, Artificers, Labourers, Victuallers, and others, far exceeding the City of *London* and the Liberties thereof; who, for want of the like good Eſtabliſhment of a Court or Courts of Conſcience amongſt them, are expoſed to many and great Inconveniencies, tending to the Impoveriſhment and Ruin of themſelves and Families. As,

Many vexatious Suits are daily commenced for inconſiderable Sums, and thro' Extremity of Poverty, uſual Exactions, the Implacability of Adverſaries, frequent Impriſonments, and Coſts of Suit, *&c.* they are often put to ſix times more Charges than the Debt was; whereby many Families are left to the Pariſh, the Priſons filled with poor helpleſs Men and Women, Sickneſſes contracted, and Trade in a great meaſure hindered.

All which, a ſalutary Act for the *Courts of Conſcience* or *Requeſt* abovementioned, might in a good Part prevent, as hath been experienced in the City of *London*, and Liberties thereof, during the long Time the like Court hath been there holden. Which is humbly ſubmitted to the Prudence of this preſent Parliament.

Reaſons againſt the Bill for erecting Courts of Conſcience.

I. AS to the Matter of the Act it takes away (as to the Cauſes mentioned in the Act) the ancient Trials by Jury, and gives an arbitrary Power to the Commiſſioners to hear and determine finally, without any Appeal from them to any Judicature whatever; and great Incoveniencies muſt enſue by giving an abſolute Power to the Commiſſioners to diſpoſe of all Debts under Forty Shillings, and all Damages done to any, either in Reputation by Words, or in Perſon by Blows under the like Sum, at their ſole Wills and Pleaſures, and takes from every Man his Birth-right to the ancient Law of the Land.

II. Parliaments have been ever very careful to maintain the ancient Law in its Fundamentals (of which Trials by Jury is a chief one) and therefore it was once the Anſwer of a Parliament upon almoſt the like Occaſion, *Nolumus mutare leges Angliæ.*

III. Cauſes under Forty Shillings are properly triable in inferior Courts, as Courts Barons, *&c.* This Act deſtroys all thoſe Courts, and takes the Power out of Perſons of Quality, that are Lords of Manors, and veſts it in Shopkeepers; ſo that if a Lord of a Manor, (within his Juriſdiction) have a Conteſt for Debt under Forty Shillings with another Perſon, he muſt apply himſelf to a Company of Shopkeepers for Relief, and make them his Judges; who, by the Common Law, had a Court belonging to his Manor, where Cauſes were properly triable.

IV. Juſtices ſhall not take Aſſizes in their own Country, prohibited by Statute Law, becauſe of the Favour they may uſe to their Acquaintances: This Law, juſt contrary to the Reaſon of that Statute, gives a Juriſdiction to Perſons over their Neighbours, and whether it be not likely that Partiality may prevail.

V. Suppoſe ſome of the Perſons to be named Commiſſioners, ſhould be indebted to their Neighbours in Sums of Money under Forty Shillings, thoſe to whom they are Debtors are abſolutely without Remedy; for either they muſt be Judges in their own Caſes (which is not to be ſuppoſed the Statute does intend) or elſe they are exempt from paying for the Time they are Judges, not ſuable elſewhere. Put likewiſe the Caſe, that ſeveral Perſons ſhould be indebted to the Commiſſioners under Forty Shillings, they by being made Commiſſioners are diſabled to recover their Debts for the Reaſons aforeſaid. The ſame Inconvenience will be in Caſe of Words or Blows.

Now as to the Deſign of the Act, to hinder the expending of great Coſts and Charges at Law for ſmall Debts, (1.) As to that, the Law has provided already inferior Courts, where the Charges are but ſmall, and the Recovery quick and eaſy; and if the Defendant (upon the firſt Summons or Notice of a Suit againſt him) tenders to the Plaintiff what is juſtly due to him; if the Plaintiff refuſeth to accept of it, but will (notwithſtanding ſuch Tender) wilfully proceed, it ſhall be at the Plaintiff's own Coſts and Charges by the Courſe and Practice of the ſaid Courts; and in Caſe poor Perſons do either ſue or be ſued there, they are admitted *in forma pauperis*, and pay no Fees at all.

VI. The Common Law of *England* was always extreme careful to preſerve the Kings Peace, and therefore was very careful to give Remedies againſt the Breakers of it, which are all taken away by this Act.

Equal Difficulty in a Cauſe of Forty Shillings or Forty Pounds, yet left to the Deciſion of unlearned Men.

If it be objected, that Juries are always of the Neighbourhood, which the Common Law appoints. For anſwer, 1. In Caſe of a Jury, either Plaintiff or Defendant has his lawful Challenge. 2. If they go againſt their Evidence or againſt the Law, an Attaint lies againſt them, upon which the wronged Party is reſtored. 3. New Trials are given after ill Verdicts by the Court; but to theſe Commiſſioners, no Challenge lies before-hand, nor Attaint after, nor from their Judgment is there any Appeal.

Suppoſe two of the King's menial Servants, (being Inhabitants within the Juriſdiction given by this Act) ſhould have a Conteſt in Contracts under Forty Shillings, they muſt be forced to ſubmit to the Judgment of Tradeſmen, and not have the Liberty left them to ſue in the King's particular Court of his own Houſhold, appointed for his own Servants; as ancient as any Court in *England*.

In caſe of Arbitrement, where Shopkeepers are choſen Judges, it is obſervable, how zealous each Perſon is for his Friend, particular Acquaintance, and Cuſtomer, even beyond Equity and Reaſon; and it is to be hoped, they will prove more moderate when they are nominated by any other Means, than by the joint Conſent of the Parties ſubmitting.

How far forth ſpecial Arguments bind, and upon what Conſiderations, Promiſes for the Payment of Money are obliging, is a very nice Point of the Law. As alſo, how far forth, and in what particular Caſes a Man may break the Peace, either in Defence of himſelf, his Houſe and Goods, *&c.* is a Matter of difficult Judgment, even to thoſe that are learned in the Law, and therefore the Judges

Judges conſtituted in this Court of Conſcience, being for the moſt Part ordinary Tradeſmen, cannot be ſuppoſed to be knowing in it, or able for it.

The like Difficulties will ariſe in the Determination of Complaints for ſcandalous Words; for, what Words are actionable, and what not, cannot be known, without being acquainted and verſed, not only in the Common Law, or Statute Law, but alſo the Eccleſiaſtical Laws of this Kingdom. Therefore,

From hence it muſt follow, that many Errors muſt of Neceſſity be in the Decrees of this Judicature, and yet from ſuch Decrees there is no Appeal.

It ſeems to be no good Anſwer to ſay, that the Decrees of this Judicature, are but for ſmall Debts, and trifling Batteries and Words, in as much as Juſtice is equally abuſed, and tranſgreſſed in great as ſmall Things, though the Loſſes ſuſtained vary.

This Judicature is impowered to examine and determine upon the Oaths of the Parties themſelves, as well as Witneſſes, (not allowable by our Laws) which will cauſe frequent Perjuries amongſt poor People, who will be inticed to forſwear themſelves in Batteries and Words, not only to inrich their Pockets, but alſo to gratify their Revenge and Anger.

This Judicature will cauſe Diſſention in the Neighbourhood where practiſed, for Tradeſmen being made Judges over Tradeſmen, and every Man thinking beſt of his own Cauſe, will certainly blame their Neighbours that give Judgment againſt them, which will breed ill Blood, and Heart-burnings amongſt them.

Breaches of the publick Peace by aſſaulting others unjuſtly, or maliciouſly ſcandalizing others by falſe malicious Words, are very great Crimes, and wilful Acts in thoſe that are guilty of them, and therefore ought to be puniſhed by moſt ſevere Laws, and not encouraged by making their Puniſhments light or eaſy, for that will introduce a more frequent Practice of them both.

This arbitrary Proceeding, contrary to the Law, and *Magna Charta*, (being the Subjects Birthright) will bar the Subject of the Benefit of other good Laws, and moſt eſpecially of the Statute of Limitations, made 21 *Jacobi*, and revive old antiquated Controverſies, which that Law hath buried in Oblivion. Who knows where this will end, if once the Fence be broken, and a Breach made in this ſtrong Wall of Safety, which guards our Lives, good Names and Eſtates, from the Violence of the Multitude. The Breach is eaſier widened, than it was at firſt made; and though it begins with Actions under Forty Shillings, it may quickly increaſe to Five Pound or more, *&c.* The Subjects Right is not more or leſs, according to the *quantum* of the Sum; but he hath the ſame Right to any Sum under Forty Shillings due to him, as to any above: And he is as much deprived of his Right, when he is denied to ſue at Law for the one, as for the other.

The

The memorable Caſe of DENZIL ONSLOW, Eſq; tried at the Aſſizes in *Surry*, *July* 20, 1681. touching his Election at *Haſelmere* in *Surry*; wherein is much good Matter and Direction touching the due ordering of Elections for Parliament.

At the Aſſizes holden for *Surry*, on *Wedneſday* the Twentieth Day of *July*, in the Year of our Lord 1681, at *Kingſton* upon *Thames*, was tried before the Lord Chief Juſtice of *England*, Sir *Francis Pemberton*, this Cauſe.

The DECLARATION.

DEnzil Onſlow, *Eſq*; *had brought his Action on his Caſe in the Court of* Common Pleas, *againſt* William Rapley, *late Bailiff of the Borough of* Haſelmere; *thereby ſetting forth, that* Haſelmere *was an ancient Borough that uſed to ſend Burgeſſes to Parliament. That a Writ iſſued to the Sheriff of* Surry, *to cauſe Knights and Burgeſſes to be choſen for the Parliament to be held the* 17*th Day of* October, Anno 31 Caroli Regis. *The Sheriff made a Precept to the Borough of* Haſelmere, *to chuſe Burgeſſes. That* Auguſt 31, Anno 31 Caroli ſecundi, *the Plaintiff was duely elected one of the Burgeſſes, and returned by Indenture with Sir* William Moore. *That the Defendant, intending to deprive the Plaintiff of the Honour and Benefit of his Election, did by another Indenture return Sir* William Moore, *Bart. and* James Greſham, *Eſq*; *as duly elected, whereas the ſaid* Greſham *was not duly elected*; *whereby the Plaintiff was hindered from ſitting in Parliament, and put to great Charge to aſſert his Right, to his Damage of Two Hundred Pounds.*

After Not guilty pleaded, upon Evidence given on both Sides at the Trial, the Caſe appeared to be thus.

The CASE and EVIDENCE.

AT the Election in this Borough for the laſt Parliament at *Weſtminſter*, there were four Competitors, *viz.* Sir *William Moore*, the Plaintiff, Mr. *Dorrington*, and Mr. *Greſham*. The Electors meeting and voting, the Poll was demanded, granted, and taken; the Defendant took Time to peruſe and conſider the Poll, until the Afternoon; and having conſidered of it, came again to the Place of Election, and declared the Plaintiff and Sir *William Moore* had the Majority of the ancient and lawful Burgeſſes, and proclaimed them two to be duly elected, and ſealed an Indenture thereof accordingly; and Mr. *Greſham* being then preſent, oppoſed not the ſame, but deſired that Sir *William Moore* (with regard to his Title and Quality) might be firſt named in the Indenture, although (as was then admitted) Mr. *Onſlow* had the Majority of him; which was done accordingly, Mr. *Onſlow* readily and generouſly conſenting to the doing thereof.

That

That about a Week or Fortnight after, the Bailiff was prevailed with to seal and return another Indenture, whereby Sir *William Moore* and Mr. *Gresham* were returned as elected. Whereupon Mr. *Onslow*'s Right to sit was controverted, and he suspended from sitting; and was put to his Petition to the House of Commons. Who upon hearing of the whole Matter, and Consideration had of the indirect Dealing of the Defendant and others, declared Mr. *Onslow* duly elected, and committed the Defendant. And Mr. *Onslow* sat in the last Parliament at *Westminster* for that Borough, and that Mr. *Onslow* had been at great Charges to clear his Election.

I. The Defendant's Council insisted on the Statute of 1 *Hen.* 5. *cap.* 1. That a Person elected must be free, resiant, and dwelling within the Borough. To which it was answered, and resolved by the Court, That little or no Regard was to be had to that ancient Statute, forasmuch as the common Practice of the Kingdom had been ever since to the contrary; and it was the Way to fill the Parliament House with Men below the Employment; and the Objection was disallowed.

II. It was agreed unto by the Parties and their Council on both Sides, that the right of Choice of Burgesses for this Borough to Parliament, lay in the Burgage-Freeholders, resiant and inhabiting within the Borough, and none others.

Then the Plaintiff's Council insisted and proved, that there voted for him thirteen, having good and unquestionable Votes; unto one whereof the Defendant's Council excepted, for that he before the Election had mortgaged his Estate: Which the Party himself, present in Court, denied upon Oath; and the Court was of Opinion, it had not been a good Objection, if true, so long as the Mortgager continued the Possession, and had the Benefit of Redemption in him.

The Defendant's Council said, there voted for Mr. *Gresham* fourteen, having good Votes; which if so, would have made a Majority; but the Plaintiff's Council excepted to six of the fourteen, as being no good Electors, for that one of them lived not within the Borough; which was proved by ancient Reputation and Perambulation, that the House where he lived was left without the Bounds. As to the other five, the Objection was, they were no real Burgage-tenants; and that if any Conveyances had been made to them of Burgage-lands, they were lately made, and fraudulently contrived, to make Votes against an Election; and because the Defendant's Council could not deny but these Conveyances were lately made, the Court put the Defendant to produce and prove them, which was done; and upon reading of them, it appeared two of the five were made after the Test of the Parliament Writ, and three of them in order to carry on Sir *Philip Floyd*'s Election in the Borough about five Years since. Two of them were Conveyances by one *Vallor*, who had a Garden of about thirty Rods content, and conveyed to each of his two Sons a Piece of it containing about ten Rods, of which they made Jointures to their Wives, each Share being worth at best Two Shillings *per Annum*. Another of the five was made by a Father who had a Close containing two Acres, and made a Conveyance to his Son of about a Quarter of an Acre, which always after lay undivided, and was constantly enjoyed by the Father. Another Conveyance was made by a Son-in-Law to his Father-in-Law, of a Cart-house. The last was

a Conveyance to one *Jackſon* of a little Tenement; but it was proved that collateral Security was given to re-convey, and that the Grantor had repaired it. As to all five, there appeared ſeveral Badges of Fraud, as a continued Poſſeſſion in the Grantors, *&c.* and the ſeveral Confeſſions of the Purpoſe and Intent of making them for the Elections.

The Matter appearing ſo foul, the Court began ſeverely to cenſure ſuch Proceedings as evil and unlawful: Mr. *W.* (Recorder of *G.*) one of the Defendant's Council, ſtood up to juſtify theſe Proceedings, and ſaid it was Part of the Conſtitution of our Government to do ſo. At which the Court ſeemed very angry, and wondered that any one, eſpecially a Man of the Gown, ſhould ſay ſo; and ſaid, Do you think our Government has no better Conſtitution? With which the Gentleman not being ſatisfied, he was told by the Court, he deſerved to be taken Notice of for ſaying ſo, and that he ſeemed to have adviſed the Thing done. To conclude the Evidence, the Plaintiff's Council delivered into Court ten or twelve ſeveral Conveyances that were proved by the Party that wrote them, to have been made by Mr. *G*'s. Order, to make ſo many Votes at a former Election, wherein Mr. *Greſham* was concerned; and the Election being over, they were cancelled and delivered up: concerning which Mr. *Greſham* endeavoured to ſay ſomething by Way of Excuſe, but was told by the Court, it was too bad to be excuſed; and it was well an Act of general Pardon had paſſed ſince this was done, elſe he ſhould have anſwered it in another Place. During the whole Time of the Trial, the ſame was managed with great Patience and Circumſpection; for ſo ſoon as the Cauſe was opened by the Plaintiff's Council, the Court, perceiving the Nature of it, commanded Silence, and Attention in the Jury: The Court declaring it was of great Weight, as great as any that ever came there to be tried. And the Evidence being fully given on both Sides, the Court by Way of Direction told the Jury, that the Plaintiff need not, as this Caſe is, prove any expreſs Malice in the Defendant; for it ſhall be intended when a Man ſhall do ſuch an evil Thing as this is contrary to his own Knowledge, and Declaration made upon the Election and afterwards alſo; (for it was proved againſt him by one or two Witneſſes, that a little Time before this Trial he did confeſs Mr. *Onſlow* was duly elected, and that he had told Mr. *Greſham* what would come of it.) And the Court further told the Jury, that this was a Cauſe of Moment, and deſerved more than ordinary Conſideration; and that the making Votes by ſuch Means, was a very evil and unlawful Thing, and tended to the Deſtruction of the Government, and debauching of Parliaments; and although ſome of the Conveyances were made ſome Time before his Election, to ſerve a Turn at a former Choice; yet that they were fraudulent, and void in their Creation, and ought not to be made uſe of at any Time againſt any other Perſon; and that it was ſenſeleſs to think ſuch Practices were Part of the Conſtitution of our Government, or to imagine that Perſons whom we intruſt with our Lives and Fortunes, ought to be made and choſen by ſuch evil Devices; and that ſuch Practices deſerve to be ſeverely puniſhed, and directed the Jury to give ſignal Damages: Whereupon the Jury withdrew, and after a ſhort Stay gave a Verdict for the Plaintiff, and fifty Pounds Damages.

And

And the Court in the Courſe of the Evidence having obſerved one *Billinghurſt* to be much concerned in the Proof and Management of their fraudulent Deeds, conceived him to be privy to much of the Practice thereabouts, and commanded him to ſtay in Court until the Jury had given in their Verdict; which when they had done, the Court required him to find Sureties to appear in the Court of *King's-Bench* next *Michaelmas* Term, to anſwer to an Information touching the ſaid Miſdemeanour; and in the mean Time to be of the good Behaviour; which accordingly he did do; and Sir *William Moor*, and Sir *George Woodruff* (whom he had ſerved in the laſt Election at *Haſelmere*) were his Sureties. And the Court required the Plaintiff, Mr. *Onſlow*, to ſee that an Information be preferred; which he promiſed to do: And the Court declared it was a very great Offence, and ſhould be ſeverely puniſhed.

The Court had great Reaſon to ſhew an extraordinary Abhorrency of ſuch Practices, for that the Miſchief is grown almoſt general. To rectify and puniſh which Abuſes, the Houſe of Commons in every Parliament are compelled to ſpend near half their Time. And ſuch is the Frowardneſs of evil-minded Men, as neither to forbear the Practice, nor to acquieſce under the Puniſhment, but to cry out of too much Severity therein, when it bears no Proportion to the Offence, nor indeed can, when a Man ſhall duly conſider and weigh the great and important Truſt left with, and repoſed in every Parliament-man by his Choice, who is thereby intruſted with Life, Religion, Liberty, Eſtate, indeed all. And every one ſo choſen, is a Counſellor, as he is a Member of the *Commune Concilium* of the Nation: And although one be choſen for one particular County or Borough, yet when he is returned and ſits in Parliament, he ſerveth for the whole Realm: and undue and contrived Choices are injurious,

I. To thoſe that have Right to elect according to the Cuſtom of the Place; and ſuch Right to chuſe being a Privilege accompanied with ſo great a Truſt, ought not by them be eaſily parted with, nor by others be injuriouſly invaded.

II. To the Perſons that are duly and fairly elected; for although it be a Truſt without any legal Recompence but Wages, and thoſe no Way proportionate to the Charge or Burthen of the Place; yet it is attended with Confidence and Honour in a due Diſcharge of it; and although a Man ought not to ſeek it too earneſtly, yet he may and ought to accept it courteouſly; for the Deference of ſo great a Truſt, ſuppoſes Merit.

III. To the whole Kingdom, who have an Intereſt in every Member's Service; and it is odds, that he that obtains an Election or Return by the worſt Means, will uſe it to the worſt End; for ſuch Devices are commonly the Attempt of deſigning Men, and by ſuch Courſes get into our Councils debauched, impudent, ambitious, needy, covetous Perſons.

IV. To the King, whoſe Laws are thereby broken, and his Government invaded. How many good Laws have we to regulate Elections, with Reſpect to the Electors, Elected, Time, Place, and Manner of Election and Return! So that nothing remains unprovided for by Parliament, but what was thought too evil to be committed; namely, the corrupt obtaining and ill uſing ſo great a Truſt; a Truſt, without particular Profit to any, ſave Penſioners (if ſuch there be;) a weighty Truſt, which neither they that confer it, or thoſe who receive it, can duly value, without a true Notion of an *Engliſh* Parliament,

whoſe Power over both Statute and Common Law, take in the accurate and ſignificant Words of a Parliament, *viz.* 25 *Hen.* VIII. 21. Whereas this Realm recognizing no Superior under God, but the King, hath been and is free from any Man's Laws, but only to ſuch as have been deviſed, made, and ordained within the Realm for the Wealth thereof, or to ſuch other as the People of this Realm have taken at their free Liberty by their own Conſent to be uſed amongſt them, and have bound themſelves by long Uſe and Cuſtom to the Obſervance of the ſame; not the Obſervance of the Laws of any foreign Prince, Potentate, or Prelate, but as to the accuſtomed and ancient Laws of this Realm, originally eſtabliſhed as Laws of the ſame, by the ſaid Sufferance, Conſents, and Cuſtom, and none otherwiſe. It ſtandeth therefore with natural Equity and good Reaſon, that in all and every ſuch Laws human made within this Realm, or induced into this Realm by the ſaid Sufferance, Conſents, and Cuſtom, the King, and Lords Spiritual and Temporal, and Commons, repreſenting the whole Eſtate of the Realm in the moſt high Court of Parliament, have full Power and Authority to diſpenſe with thoſe and all other human Laws of the Realm, and with every one of them, as the Quality of the Perſons and Matter ſhall require: And alſo the ſaid Laws and every of them to abrogate, adnul, amplify, or diminiſh, as it ſhall be ſeen unto the King, and the Nobles, and Commons of the Realm, preſent in Parliament, meet and convenient for the Wealth of the Realm.

By this great Act we clearly ſee, it is beyond the Wit and Reaſon of any Man to contradict or deny the ancient and ſupreme Power of the Parliament, as well in Matters Eccleſiaſtical as Civil: a Statute it is declarative of the Law of the Kingdom, and that of as great Force and Uſe as ever any was, is, or can be made by the legiſlative Power and Authority of this Nation. The Lord *Coke* alſo bears Teſtimony to this Truth; the Power of Parliaments is ſo tranſcendant and abſolute for making Laws in proceeding by Bill, as it cannot be confined either for Cauſes or Perſons within any Bounds. Take all that ſhall be ſaid hereof in the Words of Sir *Thomas Smyth*, a Man of great Knowledge in the Law, and in great Place and Eſteem under Queen *Elizabeth*. The moſt high and abſolute Power of the Realm of *England*, conſiſteth in the Parliament. A Parliament abrogateth old Laws, maketh new; giveth Order for Things paſt, and for Things hereafter to be followed; changeth Rights and Poſſeſſions of private Men, legitimateth Baſtards, eſtabliſheth Forms of Religion, altereth Weights and Meaſures, giveth Form of Succeſſion to the Crown, defineth of doubtful Right, whereof is no Law already made; appointeth Subſidies, Tails, Taxes, and Impoſitions; giveth moſt free Pardons and Abſolutions; reſtoreth in Blood and Name, and repreſenteth, and hath the Power of the whole Realm both Head and Body.

But becauſe here is by Statute Law no particular Proviſion made againſt ſuch Frauds and Practices as appear in the foregoing Caſe, many by ſordid Means have endeavoured to perplex Elections and debauch Parliaments, and think themſelves not puniſhable for it. This Caſe, and the reaſon of it, will better inform them, that by the Rule of the Common Law an Offence of this Nature is puniſhable; for will any Man think that ſmall Frauds, Cheats, and Practices ſhould undergo a Cenſure in the ordinary Courts of Juſtice, and not ſuch great

great Violations of Truth and Honesty in Matters of the greatest Moment? But I hope the Proceedings against *Billinghurst* will convince some Men of their Mistakes, others of their Faults.

And to bring Men to a sober Consideration of their Duty and Danger, I shall give a few Instances of what the House of Commons have done in former Ages to punish and prevent Evils about Elections.

1. *Anno* 20 *Jacobi*, Doctor *Harris*, Minister of *Blechingly* in *Surry*, for misbehaving himself by preaching and otherwise about Election of Members of Parliament, upon Complaint was called to the Bar of the House of Commons, and there as a Delinquent on his Knees had Judgment to confess his Fault there, and in the County, in the Pulpit of his Parish Church, on *Sunday* before the Sermon.
2. *Anno* 21 *Jacobi*, *Ingrey*, Under-Sheriff of *Cambridgeshire*, for refusing the Poll upon the Promise of Sir *Thomas Steward* to defend him therein, kneeling at the Bar, received his Judgment to stand committed to the Serjeant at Arms, and to make Submission at the Bar, and acknowledge his Offence there, and to make a farther Submission openly at the Quarter Sessions, and there also to acknowledge his Fault.
3. *Anno* 20 *Jacobi*, the Mayor of *Arundel*, for misbehaving himself in an Election, by putting the Town to a great Deal of Charge, not giving a due and general Warning, but packing a Number of Electors, was sent for by Warrant, and after ordered to pay all the Charge; and the House appointed certain Persons to adjust the Charges.
4. And lastly, 3 *Car.* I. Sir *William Wray* and others, Deputy-Lieutenants of *Cornwall*, for assuming to themselves a Power to make whom they pleased Knights, and defaming those Gentlemen that then stood to be chosen, sending up and down the Country Letters for the Trained Bands to appear at the Day of the Election, and menacing the Country under the Title of his Majesty's Pleasure; 1. Had Judgment given upon them, to be committed to the *Tower*. 2. To make a Recognition of their Offence at the Bar of the House upon their Knees; which was done. 3. To make a Recognition and Submission at the Assizes in *Cornwall*, in a Form drawn by a Committee.

To conclude, this Case being of great Use, is now made publick,

I. To evidence to the World the Wrong done the Plaintiff by the Bailiff's unjust Return, and by whom, and by what Means procured; as also to testify his Courage and generous Resolution to assert his own Right, and the Peoples just Liberty of Choice, with his utmost Care, and great Charge.

II. To vindicate the Justice of the House of Commons, which are frequently aspersed as shewing too great Affection to Persons in their Proceedings touching Elections; whereas by this Case it appears how just they were in bringing Mr. *Onslow* to sit as a Member according to the strictest Rules of Common Law, and in punishing the Bailiff who so wilfully offended.

III. To direct Places, having right to elect, to manage the same duly and lawfully, not only to caution them against making Votes by splitting Burgage-Tenures by such fraudulent Conveyances, where the Choice is annexed to such

Tenure, (all ſuch Conveyances as are not real, and made *bona fide* upon good Conſideration, being in this caſe held to be void by the common Law:) But the Reaſon of this Caſe will extend to other Ways of Election: For where the Choice is by the Body Corporate, the putting out without juſt Cauſe ſuch as are incorporate, or the making other Members of the Corporation to ſerve a Turn at an Election, will be equally dangerous, and alſo ineffectual. For as thoſe that are ſo put in, gain hereby no Right to elect; ſo thoſe that are ſo put out, loſe no Privilege of Vote; and the Officers and Perſons doing the ſame, are by the Reaſon of this Caſe ſeverely puniſhable.

So likewiſe, in caſe of Elections by Inhabitancy; the coming to live in a Place for a ſmall time upon ſome particular Occaſion, or coming to or taking a Houſe for to ſerve an Election, doth not give right to vote, as was (conformable to the Rules of the Common Law, and the Reaſon of this Caſe) determined by the Houſe of Commons in the Caſe of *Windſor*, touching ſuch as came to live there in Attendance on the Court, although they ſtayed there three or ſix Months.

In like manner, where the Election ought to be by thoſe that pay Lot and Scot, as they call it, whereof the Poor-Tax is the uſual Meaſure; if any are put out by Deſign that have paid or ought to pay, or any by like Deſign are put in that have not paid, or cannot or ought not to pay; the one loſeth, the other getteth no Vote: And the doing of it, in order to further an Election thereby, is an Offence at Common Law, and puniſhable. So alſo, where Elections are by Freedom of Places: For as Elections are to be free, in reſpect of Terror and Conſtraint, ſo are they to be candid without fraudulent Practices and Deſigns.

The Amicable Reconciliation of the DISSENTERS to the Church of *England*; being a Model or Draught for the Univerſal Accommodation in the Caſe of Religion, and the bringing in all Parties to her Communion. Humbly preſented to the Conſideration of Parliament.

[*Every body knows, that the King was ſcarce warm in his Throne, before he took occaſion to recommend the Proteſtant Diſſenters to the Favour of Parliament, in a Speech to both Houſes; and about the ſame time it was, that this* healing *Project was made public.*

WHEREAS there are ſeveral Parties of *Chriſtians* in the Nation, who muſt and will ever differ in their Opinions about the Church and Diſcipline of it, in the Queſtion which is of *Chriſt*'s Inſtitution; it is not our Diſputes about the Church as *particular* (which are rather to be mutually forborn, and every Party left herein to their own Perſuaſion) but a common Agreement in what we can agree, and that is in the Church as *National*, muſt heal our Breaches.

The

The Catholicks are for one Universal Organical Church throughout the World, whereof the Pope is Head, according to some; and the Bishops convened in a general Council, according to others.

That there is a Catholic Church visible on Earth, as well as invisible, whereof *Christ* is Head, who was on Earth, and is now visible in Heaven, is past doubt also with Protestants: But that this Church is *Organical*, and under the Government of a *Monarchy* by the *Pope*, or of an *Aristocracy* by a *General Council*, it seems a Thing not possible in Nature; because neither can any *Oecumenical Council* ever be called, or any *one* Man be sufficient to take on him the Concernments of the whole *World*.

A Political Church, is a Community of Christians brought into an Order of Superiority and Inferiority by an Head and Members, organized for the Exercise of that Government which is proper to it; but the whole Earth is not capable of any such Order: And Councils therefore which are gathered out of several Countries, or of Bishops belonging to more Dominions than of one supreme Power, may be had for mutual Advice and *Concord*, but not for *Government*.

A Nation, Empire, or Kingdom, which consists of one supreme Magistrate and People, who are generally Christians, are capable of such an Ecclesiastical Polity, and a National Church Political in *England* is to be asserted and maintained.

The Church of *England* then is a Political Society of all the Christians in the Land, united in the King as Head, and organized by the Bishops, for the executing those Laws or Government which he chuses for their spiritual Good and the public Peace.

There is this Difference between a Church *National*, the Church *Catholic*, and *particular* Churches: The two latter are of *divine Right* and *essential Consideration*; but the former is and can be only of *human Institution*, for it is manifestly *accidental* to the Church of *Christ*, that the chief Magistrate and the whole People should be *Christians*.

Distinguish we here of the Government of the Church as *internal* belonging to the *Spirit*, and *external* which belongs to *Men:* And of the *external* Regiment thereof, which is either *formal* belonging to the *Ministers*, or Officers of *Christ*; or *objective*, belonging to the *Magistrate:* The one being only by the *Keys*, the other by the *Sword*. Whether the Community now of Christians in *England* may be accounted a National Church in respect to any formal Government of it, we leave for Dispute to others; let them judge according to the foregoing Definition of a political Church: But that the main Body of the Nation are, or may be constituted a proper Political Church National in respect to that external objective Regiment, which is, or should be exercised by the Bishops, as the proper Organs thereof under the King, is what we hold reasonable, and would lay as the Foundation-stone of Peace, in the Matter of *Religion* between all Persons in the Kingdom.

Let the Parliament therefore we have, be heartily for the public Good and Thriving of *England*, which must and can be only by an entire Liberty of Conscience in Opposition to the narrow Spirit of any single Party or Faction; and when such a Parliament as this shall set themselves about the Business of Union

Union to Purpoſe, a Bill ſhould be brought in, entituled, *An Act for declaring the Conſtitution of our Church of* England.

A Parliament is the Repreſentative of the whole Nation, and no doubt but by Conſent and Agreement they might (upon the Account mentioned) *make* a new Conſtitution, and much more may they *declare* the Conſtitution of it.

It ſhould be declared then in ſuch a Bill, or Act, that the Church of *England* conſiſts of the King as the Head, or *Pars imperans*, who is to give Laws thereto, and all the ſeveral Aſſemblies of Chriſtians which he ſhall tolerate, as the *Pars ſubdita*, or Body.

Some Diſcrimination between the *Tolerable* and *Intolerable*, is indeed never to be gainſaid by any wiſe and good Man; unto whom there is no Liberty can be deſirable, which is not conſiſtent at leaſt with theſe three Things, the *Articles* of our *Creed*, a *good Life*, and the fundamental *Government* of the *Kingdom*.

It is not for any private Perſons, but a Parliament, to preſcribe the Terms of National Communion: But we would have all our Aſſemblies that are Tolerable, to be made *Legal* by ſuch an Act (and thereby Parts of the National Church) as well as the Parochial Congregations.

The Church here therefore muſt come under a double Conſideration, as the Church of *Chriſt*, and as the Church of *England*. Take the Church as the Church of *Chriſt*, and there muſt be (as we have ſaid at firſt) endleſs Controverſy about this Point, who are the true Members of it: But take it under the Conſideration as *National*, and there will be none at all, for thoſe muſt be Members whom the Head by a Law does allow to be Parts of the Body, and the King under this Notion only is made Head of the Church by the Statute, that is, as it is called *Eccleſia Anglicana*.

The *Proteſtant Diſſenters* of all Sorts, as well as the *Conformiſts*, will acknowledge the King to be ſupreme coercive Governor over all Perſons, and in all Cauſes, Eccleſiaſtical and Civil, throughout his Dominions: And will not thoſe who are *Roman-Catholicks* do the like? Did they not do ſo in *Henry* the Eighth's Time, when they were generally ſuch? Again, the *Diſſenters* of all Sorts, even the *Congregationaliſts* of every Sect, are ready to ſubmit to any Power legally derived from the King, and upon ſuch an account will admit of a Superintendancy of the Biſhops, as Eccleſiaſtical Magiſtrates under him, when they cannot own any Authority that they have over other Miniſters from *Jeſus Chriſt*; and will not Papiſts alſo be ſubject to all Authority that is exerciſed legally in his Name, howſoever they may queſtion the ſpiritual Title of the *Engliſh* Clergy, and their Succeſſion?

We would have the Biſhops then (*qua Biſhops*, as diſtinct in *Office* from *Prieſts*) declared no other than the King's Officers, whoſe Power is but *objectively* Eccleſiaſtical, and to act *circa ſacra* only, by virtue of his Authority and Commiſſion.

As *Jehoſhaphat* did commit the Charge incumbent upon him as ſupreme Magiſtrate, in regard to all *Matters of the Lord*, unto the Care of *Amariah*, being *Chief Prieſt*, and in regard to the *King's Matters* unto *Zebadiah*, being as the *Chief Juſtice* of the Realm: So ſhould the Dioceſan Biſhop be in our *Eccleſiaſtical*, as the Judges are in *Civil* Matters, the Subſtitutes altogether of his Majeſty, and execute his Juriſdiction.

This

This is indeed a State Point which was thoroughly canvaſſed by *Henry* the Eighth, whoſe Divines did agree on two Orders alone, *Prieſt* and *Deacon*, to be of *divine* Appointment, and that the Superiority of a Biſhop over a Preſbyter, or of one Biſhop over another, was but by the *poſitive* Laws of Men only, as appears in that authentic Book then put out, intitled, *The Neceſſary Erudition.* And conſequently, that the Biſhop could not have, or exert any Juriſdiction over the Subject, unleſs warranted and derived from the King, without Danger of a *Præmunire*, which made *Bonner* (with others) hold his Biſhopric by Commiſſion.

Upon this ground, if it ſhould pleaſe his Majeſty to chuſe ſome Perſons of the *Diſſenters* to this Office, authoriſing them to it no otherwiſe, than by a like Commiſſion (which they ſhould alſo hold, with the Judges, *quam diu ſe bene geſſerunt:*) As none of them could ſcruple then the Acceptance, ſo muſt a Union from that Day forward commence in *England*; eſpecially, if he would not leave filling up the Vacancies that fall, with ſuch, till they in ſome meaſure equal the *Conformiſts*.

We are ſenſible unto what Diſtreſs the Miniſters of a particular Congregation of all Sorts may be brought in the Exerciſe of Diſcipline over ſome potent, turbulent, and refractory Members; and what Relief he might find in ſuch an external Eccleſiaſtical Officer as this: We are ſenſible how many Inconveniencies of congregational Epiſcopacy may by this means only be ſaved.

Their Work in general ſhould be to ſuperviſe the Churches of all Parties in their Dioceſes, that they walk according to their own Principles, in due Order, agreeable to the Goſpel, and the Peace of one another: And more particularly in the Obſervance of all Laws and Limitations, Rules or Canons; which the King, as ſupreme Head, ſhall by Advice of a Convocation, or the Conſent of his three Eſtates in Parliament, make on purpoſe, and impoſe upon them, with reſpect both to the public Emolument, and the Safety of his own Perſon, Dignity, and Dominions.

For example, ſuppoſe this to be one Canon, or Injunction, that no *Novice*, but ſuch as are grave Men only among the *Sects*, be admitted to be *Teachers*. Another this, That the Doors be kept open in all *Conventicles* for any that will, to come in and hear, that no Sedition be there hatched or broached. There are ſuch, and many the like Impoſitions may be found, very fit to be laid on ſome Perſons, not needful for others; and it is Time, and the Trial and Experience which muſt be the Mother to bring them forth, and cultivate them after to their beſt Advantage.

To the making ſuch Canons, we humbly motion a third *Clerk* for the *Convocation*, to be added to the two in every *Dioceſe*, and choſe out of the *Diſſenters* with indifferent Reſpect to all Sorts of them, that mutual Satisfaction and Concord may thereby be proſecuted with Unanimity of Heart and Good-will throughout all the Churches: And the two Provinces of *Canterbury* and *York* ſhould *unite* in this Convocation for the making them one *National Church*, and not two *Provincial* ones in a diverſe Aſſembly.

By this means ſhall one Organ more be added to this great Political Society, for deriving an Influence from the Head to theſe Parts of the Body, as well as others, which now ſeem neglected, and to have no care taken of them.

The

The more especial Business of such an equally modelled Convocation should be the revising the Book of Canons for the reversing the main Body of them, having been fitted to that narrow Scantling, which is unworthy the Church of *England*, and for the leaving only those, and making new (as we have exemplified in one or two for Instance sake even now) which do, and will suit to that larger Constitution thereof intended by this Paper.

And having now said thus much for Explanation of this Design, we must say some little also in favour of it.

The Design of such an Accommodation as this, shall *advance*, not *lessen* the outward Power and Honour of the *Bishop*, extending it over those who before had no conscientious regard for their Function; while yet it would ease them of the tremendous Burden of such a *Cura Animarum* they take on them otherwise, as must be of impossible Performance.

This Design (which is supposed to find us in our Divisions, and not to make any) shall by little and little (with God's Blessing on it) cool Animosities, and enkindle Charity and Holiness among all Parties, which now is so much wanting, while those that are Catholicks, and those that are Protestants, and much more those that are *Conformists*, and those that are *Nonconformists*, do agree in the Substance of one Christianity, having the same Scriptures, the same Articles of Faith in the three Creeds, and the same Rule of Manners in the Decalogue, *There is one Body, one Spirit, one Lord, one Faith, one Baptism.* They cannot indeed have both Communion in the same external Worship, but they can have it in the internal Adoration of the same blessed Trinity, and in one Hope of our calling unto eternal Life through *Christ Jesus*. They must separate into several Congregations, but there shall be no *Schism* in the *Body* by this means for all that.

For as while the supreme Power allows only the Parochial Meetings, as established by Law, it hath been accounted Schism to go to separate Assemblies: So if the Scene be altered, and these *separate* Congregations be also made *legal*, this *Schism*, or Men's being called *Schismatics* in that regard, must vanish and be at an end. Indeed these diverse Congregations will accuse one another as guilty of Sin and Schism before *God*, for each separating from the others Communion, and threaten *his* Judgment: But so long as there is no separating from the Church, whereof the King is Head, while he tolerates the Meetings of both, and makes them Parts of it as National, there shall be no Prosecution of Law against any, but all quiet, as Fellow-Members upon that Account.

Only, as to the *Roman Catholics*, it is not indeed for them to imagine that a Protestant King and Parliament should allow of their Mass in Public, as they do of the Service-Book. This were not to *tolerate* the *Papists*, but to *set up Popery*; whereas the the *determining* what is to be permitted to *one* Party, and what to *another*, so as no *Detriment* may be brought to the *Church* or *State*, and no Sin or Guilt upon the Nation by that Permission, is a nice thing, and the Business of this Parliament.

There is one Motion farther should be added, and that is for another Bill also to be brought in to take away *Pluralities*, (which is the Pest of our present conforming Clergy) I mean both of *Livings* and *Dignities* impartially, to this end, that the King may have wherewithal to engage those he receives into the Church

Church thus inlarged, and consequently restores to their Labours, by this Accommodation; for that is a thing will make the Favour indeed significant to such Persons.

I will conclude with one Argument, for what I have proposed. There is no Power given upon Earth for any Man to command that, which he in his Conscience does judge to be Sin. *Non datur potestas ad malum.* But to conform in all Things to the present Church according to Law, is Sin in the Judgment of *Dissenters*, *Catholics*, and others; and the late King was a *Dissenter* of one Sort himself. The King therefore that was *so lately*, could not really put the *Catholics* upon Conformity; and if he would appear equal to all his People, he could not put any other *Dissenters* on it neither, for the same Cause. That which the Law requires was both in his Conscience and in theirs, a Thing prohibited of *God*. He could not therefore put the Laws in Execution being against *God*. And if he could not do it acting only but as an honest Man that abides by his Principles: We have no reason to apprehend that so good a King and Queen as we have now, should be ever brought to do it, maugre all the Enticements of the Church of *England*, or Frowns of the Church of *Rome*.

A true RELATION of what is discovered concerning the Murder of the Archbishop of St. *Andrews*, and of what appears to have been the Occasion thereof.

ONE *Lovel*, of *Cunuchie*, being Vassal to the Bishoprick of *St. Andrews*; the late Archbishop, upon the Account of some few Duties resting to him, did gift to his own Behoof, the Escheat of *Lovel* of *Cunuchie*, in Prejudice of his numerous Family and many Creditors. One *Haxstoun*, of *Rachillet*, being one of these Creditors, and at that Time a Favourite of the Archbishop's, prevails with him, upon his giving Bond to the Bishop for 1000 *l. Scots*, or thereby, to assign the Gift in his Favour. Thereafter, the Archbishop conceiving Prejudice against him, registrates *Haxstoun*'s Bond, surprizes him at *St. Andrews*; having called for him, takes him with Caption, and keeps him Prisoner in *St. Andrews* for several Months, until one Mr. *Falconer*, a Conform Minister, obtains his Liberty. But *Haxstoun*, having stronger Resentments of his Imprisonment, than of the Liberty to which he was restored, at his Liberation, in Presence of Witnesses, vowed and swore, *God damn him if ever he went to Church, as long as there was a Bishop in* Scotland; *and that if he lived, he should be revenged on the Bishop's Person.*

This *Haxstoun* was a vile Person, had nothing of Good in him, and was scarce admitted to the Society of sober Men: He was not once only a Favourite, but Servant of the Bishop, having collected Part of his Rents. However, now the Archbishop (who was Enemy to any thing that had Interest in *Haxstoun*) commands Captain *Carstairs*, *Garret*, and one *Scarlet*, a Tinker, to apprehend *John Balfour*, of *Kinloch*, Brother-in-law to the said *Haxstoun*, (no *Presbyterian*, tho' an Enemy to the Bishop, upon the Injury done to *Haxstoun*, his Brother-in-law) who resisted the said *Carstairs*, and wounded some of them; and thereupon was

cited before the Council, (though *Carſtairs* had no Warrant to apprehend him; only to gratify the Biſhop) where not daring to appear, he is denunced and intercommuned, and made a Stranger to his own Houſe for two Years; wherewith, and with the Robbing and Spoiling committed by Bailiff *Carmichel*, the ſecret Council's Sheriff-Depute in *Fife*, the ſaid *Haxſtoun* and *Balfour*, being enraged and enflamed with the Deſire of Revenge upon the Archbiſhop, they did, upon the Third of *May* Inſtant, with eight or nine other Ruffians, (three of them called, as they ſay, *Balfours*) wait his Return from *Edinburgh* to *St. Andrews*, and there, near a Houſe called *Magus*, in an open Muire, and within two Miles or thereby of *St. Andrews*, they purſue him. The Coachman and Poſtilion perceiving, advertiſe him, and drive with all their Might to eſcape; ſo that for near three quarters of a Mile they could not overtake them. At laſt, *Balfour* and *Haxſtoun* being better mounted than the reſt, *Balfour* comes up with the Poſtilion, commands to ſtop, and he refuſing, ſtrikes him over the Face with his Sword, diſmounts him, and diſorders the Coach-Horſe; *Haxſtoun* comes to the Coach, and fires ſeveral Piſtols at the Biſhop, but none of them, although they hit his Body, did pierce him; they pierced through his Cloaths, but left only blunt Marks upon his Body, ſomewhat like to burning.

Whereupon *Haxſtoun* drags him out of his Coach, ſtrikes him over the Left Eye with a deep Wound, who thereupon fell, and gave him ſeveral other mortal Strokes upon his Head, and Cuts in his Arms; rifles his Pockets; and his Daughters (who were with him in the Coach) of their Gold Watches and Papers; diſarms his Servants, without hurting any, except the Poſtillion, who was wounded at firſt; and that his Daughter received a Wound on her Thumb, graſping to ſave her Father; and then flee all together.

This is the Account, both of the Perſons, the Occaſion of their wicked Act, and the Circumſtances of the Act itſelf; which is diſcovered and made known by the Examination of the Biſhop's own Servants, upon Oath, and a Servant of the Houſe near the Place where the Fact was done, where *Haxſtoun* and *Balfour* left their Coats before they attacked the Biſhop; and after it was done, came and brought them away.

The Biſhop's Servants depone, That a Man, mounted on a bay Horſe, ſtroke the Poſtillion, and turned the Coach; and that he, mounted on the white, dragged the Biſhop out of the Coach, and killed him with his Sword.

And the Servant in the Houſe depones, That it was *John Balfour*, of *Kinloch*, was mounted on the bay Horſe, and *Haxſtoun* that was mounted on the white. That theſe two Perſons had a Perſonal Spite and Hatred at the Biſhop, for the Cauſes before, all know, and the Records witneſs. That the Bullets did not pierce his Body, was ſeen by the Surgeon, *William Borthwike*, who was ſent by the Council to view his Body.

An

An HUE AND CRY after Dr. *S——ft*; occasioned by a true and exact Copy of Part of his own Diary, found in his Pocket-Book, wherein he has set down a faithful Account of himself, and of all that happened to him for the last Week of his Life.

Thursday.

WAKED with the Head-ach. Said no Prayers that Morning. Dressed immediately. Looked confounded *Rakish*. Repeated *Verses* whilst I was washing my Hands. Resolved (whilst I was putting on my Gowns) to ridicule the Orders of *Bishop*, *Priest*, and *Deacon*. After Dinner, at my Lord B——s. Went to drink Tea in *York-Buildings*. The Earl looked *queerly*. Left him in an *Huff*. Bid him send for me, when he was *fit for Company*. Took Coach to Lord *Harry*'s. The Viscount looked *whimsically*. Left him. Promised to sup with him at the *Earl's*. Drove to the *Cocoa-Tree*. Sate 'till One, musing and thinking of Nothing. Plagued for half an Hour with three impertinent *Puppies*, an *I—sh* Lord, an *English* Colonel, and a *Scotch* Gamester. Retired to a private Corner, where a Whim came into my Head, which I will shortly give the World an Account of. Went to dine at the *George*, with two *Papists*, three *Jacobites*, and a *Tory*. Damned the Cook, like the Wine. No Wit. All Politics. Settled the *Succession*. Fixed the Place and Time and Manner of his Landing. Went to my Lodging at Five. Slept. Writ an *Examiner*. Supped at *York-Buildings*. Earl and Lord *Harry* part in *Dudgeon* and *Division*. Displeased with all that happened. Go home pensive. Resolve upon some odd and new Schemes of Life. Spent ten Shillings. Take a Dram. Go to Bed.

Friday.

Resolve to fast. Send a Note to Church, to pray for the Conversion of a great Sinner. Read the Bible. Find that no Man can serve *two* Masters; and that an House divided against itself cannot stand. Consider of these Words; *When ye hear of these Things, flee unto the Mountains*. Begin a Sermon upon this Text, *Be as wise as Serpents*. Throw it aside, and read *T——d*'s Art of *Restoring*, and my own Meditation on a *Broomstick*. Received a silly Letter from *Ireland*. Walk in my Room for two Hours. Loll on my Couch for two Hours. Take a *Manual* for Devotion in my Hand, but say *extempore* Prayers. Mightily given to Ejaculations. Don't like the Lord's Prayer. Think often of *St—le* and *T. W——n*. Eat at Six. Dress, loiter. Humm a Tune 'till Eight. Give a Farthing to a poor Man. Pay my Barber. Put on a Pair of new Gloves. Go to St. *James*'s. Don't like Things. Confirmed concerning the Animosities between the Earl and Lord *Harry*. In a Quandary. Go to the Club of *ugly Faces*. Some Wit. *Much Impiety*. Drink hard. Am treated. Expences one Shilling. *Mem.* This Day Month I had clean Sheets.

Saturday.

Wake at Eleven. Promiſed to receive a Gentleman at my Lodgings about my Lord's Buſineſs; but won't be at home all Day. Come to theſe ſeveral Reſolutions: Reſolved to write an Ode upon changing one's Mind, in Imitation of *Horace*'s *Juſtum & tenacem, &c.* *Item*, An Apology for *Taking the Air*, and a Comment upon *Balzac*'s *Cacher ſa vie*. Reſolved to repent. To give an Hiſtorical Account of the following *Engliſh* Proverbs, *viz.* When *Knaves* quarrel, honeſt Men come by their own. Burn the Houſe, and run away by the Light of it. No longer pipe, no longer dance. Murder will out; and, When the Steed's ſtolen, ſhut the Stable-Door. However, half a Loaf is better than no Bread; and therefore, Men muſt make the beſt of a bad Market. Bid my Servant get all Things ready for a Journey to the Country, according to the following Liſt: Mend my Breeches; hire a Riding-Coat; borrow Boots; ſell my Coals and Candles; reckon with my Waſherwoman; making her allow for old Shirts, Socks, Dabbs and Markees, which ſhe bought of me. *Mem.* I borrowed five Guineas of my Bookſeller, and paid my Landlady all to a Shilling. Reſolved to carry no Books with me, but the *Hiſtory of the Civil Wars of* England, into the Country. Dined late with my Landlady. Merry with Mutton and *Double Entendres*. Retire. Conſider the uncertain Nature of Human Affairs. Write the following Letter to Mr. *Oldſ——th*, one of the Authors of the *Examiner*.

S I R,

DEſigning ſoon for the Country, I deſire that you will excuſe me from ſupplying you with any more Papers under the Name of the *Examiner*. We have made the *moſt* of our Cauſe, and no mortal Affair has the Privilege of being perpetually the ſame. Remember *Horace*'s *Bene præparatum pectus*. If we can contrive it ſo as to be *rogued* by both Sides, we ſhall do more Juſtice to each, than either expected from us, and have this Pretence ſtill left to the Title of *honeſt Men*. Give my Service to his *Lordſhip*: Tell him, that no Man has Strength enough to be Proof againſt *Conviction*; that I am ready to meet him *on t'other Side of the Water*; and will ſtill ply at the *labouring Oar*, to ſhew with how much Reſpect and Eſteem I am his Lordſhip's, *&c.* 'Tis no Time to be *incredulous*. I depend upon your not being *obſtinate*; and if you are ſilent for a while, you will convince me of your being that Man of *great Senſe* and *Obſervation* which I always took you to be.

I am,

S I R,

Your moſt obedient humble Servant,

J. S.

P. S. Remember, when an Army is *routed*, that ſome are *killed*, ſome *wounded*, ſome *run away*; but that *Deſerters* are always well *treated*. Six Coaches of Quality, and nine Hacks, this Day called at my Lodgings.

Mem.

Mem. To write a Paper when I am in the Country, to bring with me to Town, and to publish at my first Appearance, called *S——ft's Reasons, viz.* for *Ingratitude*, for *Irreligion*, for *Turning*, for *Returning*, and to serve any *Turn*, to be bound up with the *Tale of a Tub*. Went *Incog.* at Eight this Night to *Child*'s, found the Clergy alarmed at the Q—'s Thoughts of displacing the T——r. Supped with Mrs. *O*——, where we had *no Politics*. *Mem.* I promised her a Copy of Verses upon a *weak Woman*. Pay my Way to my Landlady in a Bottle of *Viana*. Smoaked a Pipe by myself. Concluded nothing certainly. Took a *Dram*. Repeated the *Collect* for the third Sunday after *Epiphany*. Picked my Teeth. Washed my Face. Went to Bed. Expences 5*s*.

Sunday.

Packed up some *Tea*, *Paper*, *Pens*, *Ink*, and *Tobacco*; and before Church was done, sent a Note to give God Thanks for one who had escaped a very *great Danger*. Dined, and was *sworn* at *Highgate*. Travelled twenty-five Miles this Day. Thought upon *Nothing* as often as I could on the Road. Resolved to write the History of the *Band-box Plot*; and to give a true Account of the Modern Word called BITE; having concluded my *Journey* to be a *Bite*, *Lord Harry* a *Bite*, the *Earl* a *Bite*, and that Prudence infallibly directed to fall in with them who would *bite* the BITERS. Resolved also to write new Explanatory Notes on the *Conduct of the Allies*. By Ten I came to my Inn. Had quieted my Mind. Supped, smoaked, went to Bed. Expences 10*s*.

Monday.

Slept well. Rose early. Had *Pancakes* for Breakfast. Sung. Repeated Verses. Laid Schemes. *Commended myself.* Rode hard 'till Noon. Alighted at a *Tory* Inn; converted many *Gentry* and *Clergy* of that Principle, at a public Meeting there, by letting them into the Secret of my Flight, and some other Secrets which I knew. *Mem.* This Day the *Wh—gs* are indebted to me for a Promise of *Wh—sh Members* for this County and Town, at next Elections. Came to my Country *Lodgings* at Nine, after an easy indolent Afternoon's Journey. Pleased with the Privacy of the Place. *Mem.* I forgot to take Leave of Lord *So—rs* and *Sun——d*. Resolved to write to *D. S——le*. Supped with my Landlord, Landlady, and their *Daughter*. Found sufficient Provisions of *Wine*, *Brandy*, *Sugar*, and *Lemons*. Hung up my Clothes. Placed Pen, Ink, Paper, and History, on the Table. Smoaked, sung, and went to Bed.

Tuesday.

Dreamt of the *Devil* and St. *Patrick* last Night. Said the *Lord's Prayer*. Sat down to consider of my *Change of Life*. *Tories*, damn them; they will not be able to support me. *Whigs*, damn them; they will not trust me. Drank Tea. Walked in the Garden. Returned. Writ a Satire on the Lord T——r. Writ another upon all the present Ministry. Received a Letter from *Lewis* the Bookseller in *Covent-Garden*, of great Importance. By G-d, *Steele* has got the better of me. No good News from *Ireland*. *Ad——n* says I am gone to hang myself. *Pope* says I am gone to *France*. *Nanny Rochfeaurt* says I am gone to my

my De—y; and moſt People will ſay I am gone to the D——l; and ſo I will go to Dinner, Mutton and Turnips. The *Gods* fled once into *Egypt*. I was very gay and diverting. Drank an hearty Glaſs. Retired. Fell into this Soliloquy: The Reverend Dr. *S—ft*, Student in two Univerſities, a Member of the Church of *England*, and a *Chriſtian* too; left the *College* to turn *Chaplain*, *Parſon*, *Poet*; having ſerved *Ambaſſadors*, *Noblemen*, *Governors*; having writ *for* and *againſt* Religion; being *Rector*, *Vicar*, *Dean*, *Author*, *Tranſlator*, *Abridger*, and *Publiſher*; *Droll*, *Jeſt*, and *Scribler*, and many other Things; *Quorum ſi nomine quæris:* Having *ſerved* and *abuſed* the late Miniſtry; and done all that Man could do for *this*; after enriching *Bookſellers*, and impoveriſhing *myſelf*; am now *tranſplanted*, *metamorphoſed* into a *Stock*, or a *Tree*; and either hurried away to ſome *Elyſian* Grove, or, in ſhort, downright MAD. Here I fell aſleep. Waked about Six. Writ to put my Houſe in order in *Dublin*. Send my Man to *London*, to know how *Things go*. Eat no *Supper*. Writ a *Whim* to divert the Earl of *O——d*. Reſolve to adjourn all further Conſiderations 'till to-morrow. Smoak. Take a Dram. Go to Bed. Domeſtic Affairs not worth inſerting.

Wedneſday.

Had a very *bad* Night laſt Night. Riſe early. Repeat the Prayer for a Perſon *troubled in Mind*. Tumble over the Hiſtory of the Civil Wars. Pop upon the Words *Obadiah* and *Titus*. Shut the Book. Take Pen in Hand. Write ſome *Odneſſes*; lay it down again. Call for a Glaſs of Sack. Think of my Friends. Receive an Expreſs, that the Earl of *O——d* is *diſplaced*. And is *B——k*, ſaid I, and all the *reſt*, continued? Can *Lucifer* fall without his *Angels?* Write a Meditation on a WHITE ROD. Grow faint. *Smoak*. Drink. *Hang myſelf*. DIE.

The *Meditation* on a WHITE ROD. *Motto* taken from the Doctor's Miſcellanies.

The Rod *was honeſt* Engliſh Wood,
That, ſenſeleſs, in a Corner *ſtood*;
'Till metamorphos'd, by BOB*'s Graſp,*
It grew an All-devouring *Aſp.*

This ſingle *Stick*, which you now behold, ingloriouſly lying in that neglected *Corner*, I once ſaw in a flouriſhing *State*, at the Head of *Noblemen* and *Peers*; carried by the *beſt Hand*, directed by the *beſt Head* in the *Realm*. Beauteous for *whiteſt* Colour, admirable for *Shape* and *Length*; but now, *vain* is the buſy Art of *Man*, which made it ſo conſpicuous and remarkable; it is *broken*, it is ſullied, and either thrown out of *Doors*, or condemned to the laſt Uſe, of kindling a *Fire*. When I beheld this, I *ſighed*, and ſaid, within myſelf, Surely, *mortal Man* is a WHITE ROD. Nature ſent him into the World *Innocent* and *Blanch*, *Straight* and *Upright*; but he is become *crooked* and *dark*; and ſometimes *offenſive*, and ſometimes *uſeleſs*; and after a *ſhining*, buſtling *Figure*, is often *diſgraced*, *ſhattered*; ruined in this *Life*; condemned to everlaſting FIRE in the *next*. How does *Man* (a tender *Twig*) grow *ſtubborn*, *incurvate*, *deformed*,

formed, and *Worm-eaten*; how does Age reduce him to *Infancy* again; 'till from carrying a *Stick* in his *own Hand*, he is carried by *other Mens Hands*, and soon thrown away, and laid aside forever. *Vain Man!* (said I, upon this Occasion) that often makest a *Rod* for thine own B——, whereas too many others, alas! are daily laying them in *Pis* for *thee*. Then pursuing the Subject, I expostulated thus with myself. What an *Emblem* is *young Master's White Stick*, when *tinselled* at *May-Fair*, or adorned with *Mather's gorgeous Top*; what an *Emblem* of HIM, who with a plain *Wand* only, *Bridles*, *Saddles*, *Rides*, *Spurs*, *Galls*, and *Jades* a whole Kingdom? O Enigmatical *Rod*, which like the *Stick* of a *Lapland Charmer*, after an *hasty*, *dirty*, embarrassed *Journey*, most ungraciously THROWS, or destroys its RIDER. Oh! thou truly *Mosaical Rod*, cried I, that devourest *all about* thee; inseparable from the Contemplation of *thee*, are the Thoughts of the Plagues of *Egypt*. O thou *Conjurer's Wand*, that has raised *that Devil* thou canst never *lay*: O thou Geographical *Radius*, that hast truly divided the *Kingdoms* of the *Earth*. Did *Sid Hamed* once discover *Golden* Mines? Thou hast dissipated *them*, and bewitched us to go in Search of them to *another World*, to distant, unknown *Southern Seas*. But, *Ah! Quisque suos patimur manes*. Thou hast RISEN to thy full Growth; and thou art FALLEN to thy latest DECAY; thou mortal SLIP of Timber, thou art WITHERED, shrunk, and become a Stranger to thy many former Virtues. For, how has thy *Mercurial* Energy and *Power* left thee, whereby, being thrice *wafted* o'er our happy *Isles*, thou *closedst the Eyes*, and *lulledst* the *Eye-lids* of three powerful Nations ASLEEP. Mighty was thy Force, O *Rod*, O *whitest Rod*, beyond the Power of *Magic* Caduceus; able to force human Bodies INTO, and OUT of local Place, which makes me end my *own imperfect Meditations*, in that excellent Description of *Sid Hamed's*, my worthy Friend.

This Rod *was slender, white, and tall,*
Which oft he used to Fish *withal.*
A PLACE *was fasten'd to the* Hook,
And many Score of GUDGEONS *took*;
Yet still so happy was his *Fate,*
He caught his FISH, *and sav'd his* Bait.

And I cannot but add,

Since WATERS *now are* TROUBLED *grown,*
His FISHING-ROD *he has* laid down.

A Copy of VERSES fastened to the Gate of St. *P*——'s C—h D—r, on the Day of the I———t of a certain D——n.

I.

TO *Day* this *Temple* gets a *D——n,*
Of *Parts*, and *Fame* uncommon;
Us'd both to *Pray*, and to *Prophane:*
To serve, or *God*, or *Mammon.*

II.

When *W——n* reign'd, a *Whig* he was,
When *Pem——e*; that's *Diſpute* Sir:
In *Ox——*'s Time, what *O——d* pleaſe,
Non-con, or *Jack*, or *Neuter*.

III.

This *Place* he got by *Wit* and *Rhime*,
And many Ways moſt *odd*;
And might a *Biſhop* be, in Time,
Did he *believe* in *God*.

IV.

For *High-Church-Men*, and Policy,
He *Swears*, he Prays, moſt hearty;
But wou'd pray *back* again, wou'd be
A *Dean* of *any* Party.

V.

Four Leſſons, *Dean*, all in *one Day*,
Faith it is hard, that's certain;
'Twere better hear *Nown Peter* ſay,
God d——n thee *Jack* and *Martyn*.

VI.

Hard to be plagu'd with *Bible* ſtill,
And Prayer-Book before thee;
Hadſt thou not *Wit* to think at *Will*
On ſome diverting *Story*.

VII.

Look down, St. *Patrick*, look, we pray,
On thine own *Church* and Steeple;
Convert thy *D——n* on *this great* Day,
Or elſe, *God help* the People.

VIII.

And now, whene'er his D—nſh—p dies,
Upon his *Stone* be graven,
A Man *of God* here buried lies,
Who never thought of *Heaven*.

JOHN

JOHN BULL's Laſt Will and Teſtament, as it was drawn by a *Welch* Attorney: With a Preface to the Ar--p of *C--ry*. By an eminent Lawyer of the *Temple*.

Hæc uti his Tabulis, Ceriſve ſcripta ſunt, ita do, ita lego, ita teſtor, itaque vos Quirites *Teſtimonium præbitote.*

ROSINI Antiq. Rom. Lib. 8. Cap. 8.

A PREFACE to His G——ce the Ar——p of *C——ry*. By an eminent Lawyer of the *Temple*.

May it pleaſe your Grace,

MY Lord *Coke*, in the fourth Part of his *Inſtitutes of the Laws of* England, tells us, that *the Prerogative Court of the Archbiſhop of* Canterbury *is the Court wherein all Teſtaments are proved, and all Adminiſtrations granted; where the Party dying within his Province hath* bona notabilia *in ſome other Dioceſe than where he dieth*, &c.

This then being premiſed, it is to be hoped that your *G——ce* will not think me impertinent in this my preſent Application to your *G——ce*; for to whom could I ſo properly addreſs a Thing of this nature? To whom could I more naturally apply to in my Diſcourſe about a *Will*, than to him who is the Head of that Court which muſt give the Sanction to it?

Pardon me, my Lord, for this Trouble, which I had never given your *G——ce*, had not this Caſe been the moſt extraordinary that has yet been heard of (I may venture to ſay) even in *Chriſtendom*.

I know not whether your *G——ce* was ever acquainted with the Perſon whoſe *Will* I hear offer to your *Grace*'s Conſideration; tho' indeed I have ſome reaſon to think that your *G——ce* heretofore might have known him, as being the moſt famous Clothier, and greateſt Trader in *Europe*, and the moſt remarkable Man in the Kingdom of *Great-Britain*; remarkable, *my Lord*, both *in his Senſes*, and *out of his Senſes* too, the latter of which your *G——ce* will ſoon perceive by this his extravagant *Laſt Will and Teſtament*.

I muſt confeſs, my Lord, for my own Part, that no Man within the four Seas had greater Reſpect and Love for *John Bull*, whoſe *Will* this is, than myſelf; no Man would have gone farther to have ſerved him; no Man admired his Perfections more:——But—this his *Laſt Will* has aſtoniſhed me, my Lord, and filled me with nothing but Ideas of Madneſs and Ruin; *Madneſs* of the defunct Deviſor, and *Ruin* of his poor Children.——In

whoſe Behalf, my Lord, as I am always pitiful to the Unfortunate, ſo I now unfeed addreſs your *G——ce*; and with ſo much the more Aſſurance, as I well know your *G——ce*'s Readineſs in aſſiſting and relieving the Diſtreſſed. On which Account I beg your *G——ce*'s Patience, while I offer a few Reaſons why this ruinous Will of my Friend *John Bull* ſhould not ſtand valid.

By an Act of 34, 35 *Henry* VIII. *Cap.* 5. it is enacted, That *Wills made of any Manors, &c. by any Woman Covert, or Perſon under Twenty-one Years of Age, Ideot, or by any Perſon,* non de ſane Memory, *ſhall not be taken to be good and effectual in Law.*

Now I grant, that *John Bull* cannot come under the two firſt Predicaments, that is to ſay, we cannot call him by the Title of *Feme-Covert*; neither can we tax him with Nonage; neither will we charge him with Ideoſy, as having heretofore done Things both noble and rational:——But, my Lord, if we plainly ſhew, that this ſaid *John Bull* was *non de ſane Memory*, at and before the making this Will, then I think our Argument proving the Invalidity of *John Bull*'s Will muſt ſtand good.

I ſhall not pretend to find fault with the Will itſelf; no, not ſo much as that Paragraph, which gives his Eſtate to the Church; becauſe the Statute of *Mortmain* has been very lately and very wiſely repealed.

And therefore as a *Will*, be it ever ſo well and accurately drawn, yet if the Teſtator be not *de ſane Memory*, the *Will* can never be valid; ſo, in order to annul this *Will*, we ſhall attempt to prove, that this *John Bull* for ſeveral Months before his Death was *non compos Mentis*, or *non de ſane Memory*.

To prove which we ſhall ſhew your *G——ce*, what were *John*'s Sentiments, and what were his daily Declarations, ſome time before he fell into this Frenzy, or into this his mad Alteration of Opinion, which produced this *amazing Will*.

Firſt, He has been often heard to declare, That the Intereſt of his Children was what lay neareſt at his Heart.

Secondly, That his chiefeſt Care was to promote his Family, and to ſecure his Trade to his Children.

Thirdly, That he abominated Popery; and that he would diſinherit any of his Children, who ſhould be of that Religion; often calling her Holineſs *Signiora Bubonia*, the Scarlet Whore of *Babylon*, Antichriſt, Idolater, and what not.

Fourthly, That he loved his Neighbour *South* as his own Child; and that he would ſpend the laſt Penny of his Money to ſerve him.

Fifthly, That the Neighbour Corporation of *Frog-Town* were always his beſt Friends; and that he would never be otherwiſe than a firm Friend to them.

Sixthly, That his Neighbour *Lewis Baboon*, Vintner, was the vileſt of Mortals, the moſt perjured, faithleſs, tricking Fellow in the Univerſe; that he was the Peſt of the Country; that if his Eſtate, which was too exorbitant already, ſhould be any larger, it would be impoſſible to live by him.

All

All this, my Lord, and much more, can we prove beyond all Contradiction.——But, my Lord, view his Will, and there your *G——ce* will find, that inſtead of loving his Children, caring for his Trade, his *Religion*, or his *Neighbours*, he has left his *All* from them, to be diſpoſed of by *Lewis Baboon*, the only Enemy he had in the World.

This unaccountable Turn and Alteration of Opinion, all his Life-time, he never offered to give a Reaſon for; and all that we are able to ſay in that Caſe, even on his Behalf, will only aggravate his Diſtraction and Inſanity: For what Mortal will not conclude him mad, that hears the Story of his Converſion, (as he himſelf was pleaſed to term it) which, in ſhort, is this.

Some Time ago, *John Bull* went to his Pariſh-Church, where his *Parſon* got up in the Pulpit, and inſtead of Preaching the Word of God, and the Way to Heaven, he fell into a foul *Billingſgate Rant*, calling poor *John* a thouſand hard Names; ſuch as, *Blood-thirſty Villain*, *Falſe-hearted*, *Inſidious*, *Wretched*, *Empty*, *Hypocritical*, *Sophiſter*; *Impudent*, *Boaſting Pretender*; *Schiſmatical Impoſtor*; *a Treacherous*, *Falſe-hearted Knave*; *an Obſtinate*, *Moody*, *Wayward*, *and Self-conceited Hypocrite and Enthuſiaſt*; with an infinite Number of vile Appellations, much more becoming the Mouth of a Dray-man, or Oyſter-wench, than a Divine: Telling him too, at the ſame Time, that he was a Slave, and ſhould be damned if he offered to ſave his own Goods, or his Life; nay, *he ſhould be damned if it was for the ſaving his own Soul.* This, my Lord, angered *John* much, ſo that the next Day, in his Wrath, he gets him ſome Nails and a Hammer, and nails up the Pulpit-door.—— This every one thought was but a *Moderate* Revenge for ſo *High* an Affront.——But now, my Lord, behold how unaccountably and fantaſtically *John Bull* changed his Opinion;——no ſooner had he nailed up the *Parſon*'s Pulpit faſt, but he fell to kiſſing the Parſon's Poſt—rs in the moſt amorous Manner imaginable, kneeling down and adoring him, and crying out that he was a *Slave* to all Intents and Purpoſes; and that he would *never quarrel or fight on any Pretence whatſoever:* Nay, *my deareſt Doctor*, (would he often ſay) *to prove how willing I am to endure any thing, I will fight every Fellow I meet, and he that ſays I am not paſſive, I'll knock his Brains out.* Then would he go and break Folks Windows, pull their Houſes down, drag every one he met in the Kennel, calling them quarrelſome Raſcals, mutinous Dogs, and Breakers of her Maj—y's Peace; Rogues that would not let him paſs the Streets in quiet.——But not to tire your *G——ce* with a long Detail of *John Bull*'s mad Pranks, I will only add this,——That in about three Years after he was thus firſt taken ill in his *Cranium*, *John Bull*, by the Perſuaſion of a knaviſh Steward, which he kept in his Houſe, makes this *Will* that I here preſent to your *Grace:* This Steward's Name, my Lord, was *Roger Bold*; he was originally a *Welch* Attorney, a Fellow always uſed to the knaviſh and tricking Part of the Law, accuſtomed continually to take Fees on both Sides; and as he was a wicked and treacherous Fellow, ſo he commonly favoured and undertook the unjuſt Side of the Cauſe. This Man, as he had perſuaded his Maſter to make a *Will*, ſo he took care to draw it himſelf, which he has done in ſo flagrant a Manner, that I doubt not, but when your *G——ce* has peruſed it, you will be of the ſame opinion

with me, that this Pettifogger was very roundly feed for it by *Lewis Baboon*, whom in the very literal Meaning of the *Roman* Appellation of a Perſon left Heir *in Teſtamento per æs & libram*, we may juſtly term (in this Caſe) *Familiæ Emptor*.

To conclude; no ſooner was this mad, this ſcandalous *Will* drawn, but *John Bull* ſent his Chaplain, with ſome other of his Servants, to Market to buy *Hemp*; which they did, and knowing pretty well their Maſter's Intentions, bought it ready manufactured. This *Hemp*, my Lord, grew on *Lewis Baboon*'s Eſtate; and ſome ſay, therefore, that it was given by the ſaid *Lewis*; but, be that as it will, no ſooner did the Load of Hemp come home, but *John Bull* ſingled out a ſtrong Rope, and by the Help of his truſty and faithful Servants, (if I may uſe the Expreſſion) fairly hanged himſelf, having firſt pinned this Verſe of *Thomas Sternhold*'s on his Breaſt.

Pſalm iv. Verſe 9.

In Peace *therefore lie down will I,*
Taking my Reſt and Sleep;
For thou only *will me, O L——d,*
Alone *in Safety keep.*

My Lord, this Story is ſo notorious, that it would be bringing of Witneſſes to prove that the Sun ſhines, ſhould I endeavour to add Evidence for the Truth of it; therefore I will not attempt a Thing ſo ridiculous, leaſt I myſelf, while I am taxing another with Madneſs, ſhould incur the ſame Cenſure.

And now, my Lord, I leave it to your *G——ce*'s Judgment, whether there needs farther Proof of *John Bull*'s Inſanity, or no: To me (with vaſt Deference to your *G——ce*'s Penetration be it ſpoken) it plainly appears, that this Teſtator, *John Bull*, was wholly incapable by the Act of *Hen.* VIII. (as is before ſhewed) to deviſe by Will.

On which Score we hope this mad, this illegal Teſtament may never be *proved* in your *G——ce*'s Court; nor *Adminiſtration granted*, to the great Detriment of *John Bull*'s diſtreſſed Children. In whoſe Name I am to render your *G——ce* infinite and hearty Thanks for the many Bleſſings they have already obtained through your *G——ce*'s Means.

And may your *G——ce* enjoy yet a much longer Term of Years, with the greateſt Addition of Happineſs,

That thereby your *G——ce* may have not only the Pleaſure of doing farther Good, but likewiſe the Satisfaction of receiving the grateful Acknowledgments of your Goodneſs from all thoſe who are really Lovers of their Religion and Country;

That thereby the Church and Nation may yet reap the Benefit of having ſo great a Patriot;

That thereby the Hopes of a *worthleſs gaping Crew* may be entirely defeated,

Is the hearty Prayer of your *G——ce*'s

Moſt humble Admirer,

PHILONOMUS ELEUTHERUS.

JOHN

JOHN BULL's Last WILL and TESTAMENT, as it was drawn by a *Welch* Attorney.

In the Name of Peace. Amen.

Imprimis, I *JOHN BULL*, having been lately *in my Senſes*, as it plainly appears in my Hiſtory, ſet forth to that Purpoſe by an able Hand, do in this my *Laſt Will* and *Teſtament* —— Give and bequeath my Life and Spirit to *Jacobitiſm* and *Infatuation*.

Item, My Body to be buried in the Church-yard of *Slavery*.

Item, To my very good Neighbour *Lewis Baboon*, whom I declare to be my *Sole Executor*, all my Goods and Chattels.

Item, I give my three Farms to him and his Heirs for ever, to be managed and diſpoſed of by him the ſaid *Lewis Baboon*, as he ſhall think fit, without Impeachment of Waſte; yet notwithſtanding which, it is my poſitive *Will*, that the ſaid *Lewis Baboon* ſhall let my three Farms to my pretended Kinſman, *Don Chevalero L' Abjurado*, he paying what Rent the ſaid *Lewis* ſhall demand.

Item, I bequeath to him the ſaid *Lewis Baboon*, and his Heirs for ever, my Neighbour *Charles South*'s Eſtate; and on my Credit it is but juſt and reaſonable he ſhould have it, otherwiſe he would not be ſo rich and ſo great as his Neighbours.

Item, I leave entirely my Shop and Trade to my Executor *Lewis Baboon*, together with all my Tools, ſtill giving a Free Liberty to my Children to carry on my cloathing Trade if they can without them.

Item, To my dear Children I leave a ſafe Trade to *Terra Auſtralis Incognita*, whither they may export the Cloth they make.

Item, To my dear Children, in order to ſupport their Trade, I give an empty Purſe. —— I order my Steward, *Roger Bold*, to ſee this *Item* performed, and for his Pains I give him what little Money is left in it.

Item, For a farther Encouragement to this their ſaid Trade, I ordain in my Will, that *Lewis Baboon* ſhall hold the Strings of the ſaid Purſe, ſo that they may not hoard up Money in it without the ſaid *Lewis Baboon*'s Leave.

Item, I give full Permiſſion to my Children to ſell what Wool they will to *Lewis Baboon*, for fear they cannot manufacture it themſelves. —— This likewiſe will be a good Expedient to keep their Raſcally Weavers from being too proud.

Item, I leave to my ſaid Children a great Cheſt full of broken Promiſes and cracked Oaths; likewiſe a vaſt Cargo of Ropes made with Sand, and Chains forged out of true *Southern* Wind; alſo a whole Side-board of golden Promiſes, and leaden Performances; which were all Preſents made to me by my Friend *Lewis Baboon*.

Item, I give to each of my Children a dainty Pair of Crutches, nicely cut out of a windſhaken Piece of Timber called *Bona fide*; —— theſe they may ſafely rely on in Time of Need.

Item,

Item, To my dearly beloved Children I bequeath a Ship-load of wooden Shoes, to be given them by my Executor *Lewis Baboon*.

Item, To all my Proteſtant Friends, I leave each a Bench to ſit on, in my Executor *Lewis Baboon*'s Pleaſure Boats.

Item, To my good Neighbour *Nicholas Frog*, Mayor of *Frog-Town*, and to all his Brethren the *Aldermen*, I bequeath and deviſe each a Chain, to be provided at the Charge of *Lewis Baboon*.

Item, My Proteſtant Nephew I leave to the good Will and Courteſy of *Lewis Baboon*.

Item, To my dearly beloved Wife, —— Ah poor Woman! I bequeath to her a Pair of Spectacles.

Item, To all thoſe who depended on my Friendſhip, I deviſe Caps and Bells.

Item, My Religion I bequeath to her Holineſs *Signiora Bubonia*, who ſhall have Power to amend, alter, and add to it, as ſhe ſhall in her great Wiſdom think fit.

Item, To Holy Mother Church, I give and deviſe all my Abbey Lands, which have been ſo long and ſacrilegiouſly detained by me from her.

Item, My Senſes and my Underſtanding I give to the Reverend the *Parſon of our Pariſh*, who is herewithal deſired to lock them up ſafe in the Veſtry.

Item, My Conſcience I likewiſe give to him the ſaid *Parſon of our Pariſh*, ready ſaddled and bridled; pray Doctor uſe the Beaſt gently.

Laſtly, To Five Hundred and odd of my Acquaintance, whoſe Names may be found recorded in my Shop-book, I bequeath a large Bundle of Rods, which Rods, according to the Saying of the Wiſe-man, I would have well applied.

JOHN BULL.

Signed in the Preſence of

*Matthew Pint-pot**.

Arthur Skipkennel†.

Abigail Earwig‖,
Her ✓ Mark.

* *Matthew Prior.* † *Arthur Moor.* ‖ *Abigail Maſh—m.*

The

The Codicil annexed to the Will of JOHN BULL, &c.

I *JOHN BULL*, Clothier, being willing to die in Peace, and with a quiet Conſcience, cannot but think it highly reaſonable, that thoſe from whom I have received ſignal Services ſhould be by me as ſignally rewarded. ——To this End, and that the odious Charge of Ingratitude may not be laid on my Memory, I give and deviſe as follows.

Imprimis, To my true and truſty Servants, as Rewards for their great Care in getting me *Hemp* to hang myſelf, they being moſt of them originally *Beggars*, I give *Horſes* to ride on, and *Stalls* to put them in.

Item, My honeſt Steward *Roger Bold*, for the many *Bold* Strokes he has ſtruck, and for his great Trouble in drawing this my Will, I leave immediate Truſtee for my Children, with whoſe Money he has hereby Authority to pay his own Debts, and likewiſe to apply as much of the reſt as he pleaſes to his own proper Uſe.

Item, To my Learned and able *Council* who gave their Opinions on this my laſt *Will*, I leave them their Fees to be paid by *Lewis Baboon*.

Item, To all or any Servant or Servants, who have or may have done me any extraordinary Piece of Service, either by looſing Goods, Limbs, Life, or Freedom, ——— I give and bequeath a ſingle Copy of my Countenance.

Item, To my Head Workman *John Victor*, for his malicious Endeavour to perſuade me not to make this *Will*; and likewiſe for his felonious and treacherous Attempt to ſave me from hanging, I deviſe his Pockets full of Calumny, Malice, and Ingratitude. ——— With Leave to march quietly out of my Houſe; ——— but on this Condition, ——— that he never comes in it again.

JOHN BULL, L.

Signed in the Preſence of

Matthew Pint-pot.

Henry Town-bull.

Abigal Earwig,
Her ✓ Mark.

A Me-

A Memorial drawn by King *William*'s special Direction, intended to be given in at the Treaty of *Ryswick*: justifying the REVOLUTION, and the Course of his Government. In Answer to Two Memorials that were offer'd there in King *James*'s Name.

The PREFACE.

WHEN the Treaty was begun at Ryswick, *King* James *ordered Two* Memorials *to be offered; the One to all the* Plenipotentiaries *of* Popish *Princes; and the Other to those from* Protestants. *In both he asserted his own Right, and claimed the Observance of all the Treaties which any of them had made with himself; and mixed with it a severe* Invective *against the* late King.

Upon this, it was thought necessary to prepare a Memorial *in Answer to these, which was intended to be given in the* Late King's *Name, to all the Ministers that were then met at the* Hague. *These Papers were upon this drawn up by the* Late King's *own Direction, He explaining Himself upon every Particular. The Draught was examined by the* late King himself; *and by His Orders, it was carried to some of the wisest and worthiest Ministers that our Nation has produced in this Age; and was very carefully revised and corrected by them.*

But when it was resolved to translate it into Latin *and* French, *in order to the communicating it, the* late King *had Advice from the* Hague, *That those* Memorials *were so little considered there, that the offering an Answer to them would give them some Credit, and that without that, they had none at all. So this Draught was ordered to be writ over again in another Stile, not in the* late King's *Name, but as the Answer of a private Hand to those* Memorials, *and so to be printed. Yet before this could be done, another Advice came, to let the Matter quite alone, and to leave these* Memorials *to sleep in that Neglect under which they were fallen.*

The Matter rested upon this: But these Papers being drawn by such an Authority, and containing such a full, tho' short Vindication of the Revolution, since some are willing to bring that matter again into Question, it seemed not unseasonable to publish them to the World. The clear and the full Answers that these Papers give to the Memorials *that were sent in King* James's *Name, would appear more visible, if those* Memorials themselves *had been in my power to have published them with this: But I have them not now in my Hands, nor do I know any one that has them.*

And so desirous is the Publisher of this, to have them both appear together, being well assured that this will then be much better understood, that if any Person that has them will send them to him, he will take care both to translate them, and to print them and this together; and then the World would see the whole Matter in a better Light.

The

The ANSWER *to the First Memorial.*

THE King of *Great-Britain* does not wonder to ſee a Prince who has for ſo long a time ſought to take away his Life in the blackeſt Methods, endeavour now likewiſe to attack his Honour, even in the undeceneſt Expreſſions, of which the late Memorial is full. The *late King* while he was in *Ireland*, did himſelf concert with one *Jones*, the Way of Murdering the King: But ſo tender was his Majeſty of the Honour of a Perſon ſo nearly related to him, that he gave order to ſuppreſs that Matter, tho' the authentical Proofs of it are yet extant, in Letters and other Papers taken in the late Earl of *Tyrconel*'s Cabinet. *Grandval*'s Confeſſion is well known: And Sir *John Fenwick* did lately claim Merit by his diverting another Deſign to Murder the *King*, purſuant to a Commiſſion, that tho' it was not come over, yet was affirmed to be ſigned by the late King. His having laid the Deſign of Murdering the King a Year ago, and his having ſent over Perſons and a Commiſſion to that Effect, have been ſo undeniably proved, that all *Europe* is ſtill full of horrour at it. Of ſuch Practices Heathens would be aſhamed. The purſuing them in ſuch a Manner, Year after Year, deſerves ſeverer Words than the King thinks fit to uſe, even after ſuch Provocation: Such regard is had to the high Birth, and the Rank which that Prince once held in the World.

The King had the leſs Reaſon to have expected ſuch Practices from the *late King*; becauſe tho' he had him ſo long in his Power, he did him no hurt, nor put him under any Reſtraint. He refuſed to hearken to the Advices that many give him, of ſecuring his Perſon 'till a general Peace ſhould be made; or at leaſt, 'till *Ireland* ſhould be reduced. Some who offered thoſe Advices are now in the *late King*'s Intereſt, and can if they pleaſe, inform him of the Truth of this Matter. The *late King* himſelf deſired to be attended by ſome of the *Dutch* Guards when he went to *Rocheſter*, and ſent to the Count *de Solmes* to that Effect, who immediately ordered it, without any Direction from the King, who was not then come to *London*. When the King knew of it, he ſent Orders to thoſe Guards to wait about the late King in what Manner he himſelf ſhould command: And it was viſible to thoſe who were about him at that time, that he was all the while as much Maſter of himſelf, as when he was ſerved by his own Guards.

The *Memorial* makes it neceſſary to lay open the whole Progreſs of Affairs, as they paſſed between his Majeſty and the *late King*.

Upon the *late King*'s firſt Acceſſion to the Crown, the King made Offers to him of all the Service and Aſſiſtance that was in his power; which ſoon after was very uſeful to him, and contributed not a little to the ſettling him on the Throne: But tho' he had no Reaſon to be ſatisfied with the Returns that were made him, yet he reſolved to have patience, and to bear with every thing that related to himſelf.

When his Opinion was asked concerning the repealing the Laws that related to the *Roman Catholicks*, he declared his Thoughts very freely of thoſe penal Laws under which they lay, by Reaſon of their Religion: He liked the Mo-

tion of repealing them, which might have ſatisfied all thoſe of that Communion, as it did the moſt moderate of them. He did not indeed think it adviſeable to repeal thoſe other Laws that excluded them from ſitting in *Parliament*, and from Offices of Truſt. This Propoſition, if cloſed with, would have made the *Roman Catholic* Subjects ſafe and eaſy; and if they had behaved themſelves ſo well upon ſuch a Favour, as to put an end to the Jealouſies of the Nation, they might after that have pretended to farther Degrees of Confidence with a better Grace; for it gave too juſt an Occaſion to Jealouſy when all was aſked at once: And it was ſaid, *All or Nothing*.

This did too evidently demonſtrate, that the *Late King's* Zeal for his Religion was managed by thoſe who had ſet all *Europe* on Fire, and deſigned to embroil *England*, that ſo it might have been brought into a neceſſary Dependance on another Court; or at leaſt, be put out of a Condition to have the Share in the Balance of *Europe* that naturally belongs to it, 'till all the reſt ſhould have been ſubdued; and then it muſt have been at Mercy likewiſe. Methods were taken in order to the compaſſing thoſe Ends, that would ſoon render all public Laws and Liberties very inſignificant things. Judges were made, not according to the antient Conſtitution, *Quam diu ſe bene geſſerint*, *During their good Behaviour*; but during Pleaſure. By many Changes the Bench was oft altered, every Judge being turned out as ſoon as he ſtuck at any thing that the Court deſired. At laſt, and not without great Difficulty, and after many Removes, Twelve Men were found out, who judged, That the King could diſpenſe with thoſe Laws; though it was notoriouſly known that they were made on deſign to reſtrain the Crown from making any uſe of *Roman Catholics*, either in Places of Truſt, or in *Parliament*. The Penalties on thoſe Laws were not ſuch as accrued to the Crown, which by conſequence might have been pardoned; they were Forfeitures of great Sums, which were by Law given to Informers: they who tranſgreſſed were alſo put under ſuch Incapacities, that whatſoever they did was null and void; to the removing of which, it was never before pretended, that the Regal Prerogative could be carried.

A Judgment ſo deſtructive to the whole Conſtitution of this Government, given by precarious Judges, who had been all examined before they had been advanced, could not in ſo plain a Matter alter either the Nature of Things, or the Senſe of the Nation: And ſince the Strength of every Law lies in the Penalty upon which it is enacted, a power of diſpenſing with penal Laws, though then applied to a few of them, was in its juſt Conſequence a Power to evacuate all the Laws and Liberties of *England*; of which this Nation has been, at all times, ſo juſtly tender and jealous.

As ſoon as this *Power* was thus authorized, the Clergy of *England* were ſubjected to a Commiſſion, that, as it was illegal in its Conſtitution, not only without, but againſt an expreſs Law to the contrary; ſo it had no regard to any Rules of Law, but was compoſed of Perſons who proceeded arbitrarily in every thing that was brought before them.

When the Church of *England* was put under this Yoak, the whole Body of the Clergy was required to publiſh a Declaration, that was founded on the diſpenſing Power, and that aſſerted it. The King was then applied to in *Holland*,

land, and desired to interpose, for preventing the Confusions that these Kingdoms were like to fall under, and for hindering the Advantage that another Court was like to have by it. He avoided meddling in it, till he saw Matters driven to the last Extremities, and that the Danger was not only visible, but imminent.

For while *England* was in this struggle, the State of Affairs beyond the Seas called for speedy Remedies: All the Places in the Bishopric of *Cologne* were possessed by *French* Garisons: And before the King set sail for *England*, the *French* King had declared War against the Emperor; the Dispute concerning the Electorate of *Cologne* being a main Article of that Declaration, which concerned the States very nearly, since it lies in their Neighbourhood.

About that Time, the *French* Ambassador at the *Hague*, in a Memorial given in to the States, did affirm, that there was an Alliance between his Master and the *late King*. This, whether true or false in itself, was a just Ground to the States to believe it; and this was heightned when the *English* Minister, who was at *Paris* when it was sent, after a short and feigned Disgrace upon his Return to *England*, pretended on that Account, was from being a Prisoner in the *Tower* of *London*, made Governor of that important Place.

The States of the *United Provinces* said the Truth, when they affirmed, that the King was not gone to *England* on design to dethrone the *late King*: He came over, declaring a full Purpose to leave the Cure and Settlement of the Nation to a free *Parliament*. And when some Lords were sent to him by the *late King*, to ask him what it was that he proposed; his Answer was, that he desired that the Administration of the Government might be brought into a State conformable to the Laws then in Being: so that no Persons who were under legal Incapacities might continue in publick Offices or Trusts; and that a *Parliament* might be called, and sit in full Freedom, both Armies being at an equal Distance from it; that so proper Remedies might be applied to all the Distempers into which those violent Councils had thrown the Nation. By this it appeared how firmly the King had adhered to his Declaration.

During this Negociation, and after the *late King* had notice given him what the King's Demands were, he, upon Reasons best known to himself, threw up all, and abandoned the Government; and let his Army loose upon the Nation, and the Rabble upon the City of *London*, and withdrew himself: By which he did all that in him lay, to cast these Kingdoms into most violent Convulsions, and exposed even his own Friends to all the Hardships that might have been apprehended from enraged Multitudes: For if the Providence of *God*, and the natural Gentleness of the People of *England* had not proved effectual Restraints, this Nation had become a Scene of Fire and Blood; which the Enemies of this Kingdom persuaded the *late King* to venture on, rather than to stay, and suffer a *Parliament* to inquire into the Causes of the Miseries the Nation was fallen under, and to secure their Religion and Property.

Upon this, that Part of the Nation which had, till then, adhered to the *late King*, finding themselves abandoned by him, desired that the King would assume the Administration of this forsaken Government; which he consented to do, till a Convention of the States should be brought together, to give it a full and legal Settlement.

He did take a moſt particular care, that the Elections ſhould be carried with all poſſible Freedom, not only without Violence and Threatnings, but even without Recommendations, or any ſort of Practice, how uſual and how innocent ſoever. The like Care ſecured their Liberty when they met; every Man argued and voted in the great Deliberation then on foot, both with Freedom and Safety: Nor did the King ſpeak to any Perſon, or ſuffer any to ſpeak in his Name, to perſuade, much leſs to threaten thoſe who ſeemed ſtill to adhere to the *late King's Intereſt.* So ſtrict was he in obſerving the Promiſes he had made in his Declarations. It was thought a Remiſſneſs, and a hazarding the Publick too much, to interpoſe or move ſo little in thoſe Matters, as he then did.

The Convention came to a full Reſolution, and judged, that the *late King* had broke the original Contract upon which this Government was at firſt founded, and after that, had abandoned it; ſo that it was neceſſary for them, being thus forſaken by him, to ſee to their own Security. And as they judged that the *late King*'s Right to govern them was ſunk, ſo they did not think it was neceſſary or incumbent on them to examine that, which the whole Nation in general, as well as the King in particular, had juſt Reaſon to call in queſtion concerning the Birth of the pretended Prince of *Wales.*

When the *late King* had quite diſſolved the Tie of the Nation to himſelf, they thought they had no further Concern upon them to inquire into that Matter; and therefore they thought it fit to let it remain in that juſt Doubtfulneſs under which the *late King*'s own Method of Proceedings had brought it: Beſides that, a particular Care had been taken by the *late King*, to cauſe all thoſe who had been in the Management of that Matter, or were ſuſpected of having a Share in the Artifices about it, to be carried over into *France:* ſo that it was not poſſible to come at thoſe Perſons, by the interrogating of whom, Truth might have been found out.

The King expreſſed no ambitious Deſires of mounting the Throne: The Addreſſes of both Houſes, and the State of *Europe*, which ſeemed deſperate without a mighty Support from *England*, determined him in that Matter. But as he can appeal to *God* of the Sincerity of his Intentions, who alone knows them, ſo he has an infinite Number of Witneſſes, who ſaw and can juſtify his whole Conduct in the Progreſs of that Revolution, if it were fit for him to appeal to them.

He is quiet in himſelf in the Conſcience of his own Integrity: His Subjects and his Allies ſee, how much he has ſought the public Good, both of his People, and of all *Europe*; and how little he has regarded either his own Quiet or Safety. He being ſecured of theſe, is little ſenſible of all that the Malice of his Enemies can ſuggeſt, to detract from him, or to aſperſe him.

The firſt thing that his Majeſty applied his Thoughts to in his Government, was to quiet all Men's Fears and Apprehenſions, by Acts of Grace and Oblivion. This is now objected as a Proof, that the diſpenſing Power aſſumed by the *late King* was not illegal, ſince none of the Judges have been puniſhed for the Judgments that they gave in that Matter. Some of the chief of them died in Priſon, while others fled from Juſtice; ſo that thoſe who remained, were thought below the Indignation of the Public. The King makes a great Difference between

tween the Effect of the Fears and Feebleneſs of ſome weak men, and the blacker Deſign of their Managers; the one may be as proper Objects of Mercy, as the others are of Juſtice: Therefore, tho' his Majeſty's Gentleneſs towards theſe, and an Averſion that this Nation has always had to ſevere (tho' juſt Puniſhments) has covered them; yet this will never juſtify that Conſpiracy againſt Law and Liberty, in which many of the Judges were but the weak and unwilling Inſtruments of reſtleſs *Prieſts* and *Jeſuits*. The Nation has fully declared their Senſe of theſe Matters in ſeveral Bills, to which the Royal Aſſent has been given.

Amongſt theſe, one was againſt their King's intermarrying with *Roman Catholics*. The Nation had felt the ill Effects of three of thoſe Marriages ſucceſſively, in very fatal Conſequences: And the King was ſo ſenſible of it, that as the two *Houſes of Parliament* judged it neceſſary to deſire a Security againſt ſuch Marriages for the future, ſo the King thought it not reaſonable to deny it.

It is no new thing in this Government, for *King* and *Parliament* to limit the Succeſſion of the *Crown*: it has been often done. A Diſability was once put on the Heirs of the *Crown*, in caſe they married otherwiſe than as that Law preſcribed: And it is a Crime highly penal, by a Law ſtill in Force, which was at no time attempted to be repealed, to deny the Authority of the *King* and *Parliament*, in limiting the Succeſſion of the *Crown*. So far is that Act, paſſed by the *King*, from being contrary to the fundamental Laws of this Kingdom.

The King has at all times profeſſed, That it was his fixed Principle, that Men's Conſciences ought not to be forced in the Matters of Religion; but that theſe ought to be left to *GOD*. He has always acted purſuant to this Rule; becauſe he thinks it juſt in itſelf, and that it is a wiſe Meaſure of Government. He wiſhes that the Moderation of his Government towards his *Roman Catholic* Subjects, might diſpoſe both Princes and Nations of other Communions, to practiſe the like towards thoſe of his Religion. He has particular Reaſons to be more than ordinary jealous of the Affections of his *Roman Catholic* Subjects; yet ſuch of them as live quietly, are put to no trouble upon the Account of their Religion: And tho' the Nation was much provoked by their Behaviour during the laſt Reign; yet, as no new Laws have been made againſt them in his Reign, ſo there is a general Non-execution of thoſe that were made long ago, and are ſtill in Force. The Laity of that Religion are under no Vexation: And it is not to be wondered at, if thoſe Laws are, in ſome few Inſtances, executed againſt ſome turbulent Spirits, who give juſt Cauſe of Jealouſy. But the King has Reaſon to believe, that there are few Inſtances even of any ſuch Proſecutions, ſince ſo few Complaints of theſe have been brought to him: Nor is there any part of his Dominions ſo diſtant from him, but that ſuch Complaints, if there was Cauſe for them, would ſoon reach both his Ears, and the Courts of all *Roman Catholic* Princes in *Europe*.

The King thinks it becomes him likewiſe to do this Right to his Subjects, as to own the great Moderation that they expreſs upon this Occaſion: And that even the Rewards that the Laws had provided for encouraging Informers, do not ſet them on to an Eagerneſs in Proſecutions. And tho' the many provoking Inſtances that they daily ſee or hear, of unjuſt and violent Proceedings in Matters of Religion, within a neighbouring Kingdom, might move them to ſevere Reprizals; yet

yet the Temper of the Nation, as well as the Principles of their Religion, diſpoſes all People to an univerſal Moderation in thoſe Matters.

As for the Reflections that are made on the King's Perſon and Actions, in the late Memorial, that are as unjuſt as they are indecent, his Majeſty has Reaſon to deſpiſe them, and judges it below him to anſwer them; but as all the black Attempts of his Enemies againſt his Life have never been able to provoke him to any ſuch againſt them, or to leſſen the Horror that he naturally has to ſuch Deſigns; ſo he is above thoſe poor Effects of impotent Malice, that breaks out into Slander and Calumny: He will make no Returns that way neither. *GOD* in his Providence had preſerved him from the one, even without any great Care of his own; and he is ſo confident the World will regard the other ſo little, that how ſilent ſoever he may think it fit to remain under them, they will be able to make no Impreſſion on juſt or equitable Minds.

The ANSWER to the Second Memorial.

THE *late King* has ſeen that the much greater Part of the *Roman Catholic* Princes and States, notwithſtanding their Zeal for their Religion, have yet been ſo juſt as to reſt ſatisfied with the late Revolution; and have not taken upon them to paſs any other Judgment concerning the Laws and Conſtitutions of theſe Kingdoms, than what was concluded by the Eſtates themſelves, by which they have been determined. And ſince his Complaints have made no Impreſſion on them, he has no Reaſon to expect that his *Memorial* addreſſed to the Princes and States of the *Proteſtant* Religion, ſhould ſucceed better.

They who ſaw how little he conſidered his Oaths and Obligations to his own People, and moſt particularly to that Body among them of *The Church of* England; that as it was much the ſtrongeſt, ſo had engaged in his Intereſts, and had maintained his Right of ſucceeding to the Crown with the greateſt Zeal, can expect nothing from his Reſtoration, but the total Extirpation of that Religion which they profeſs: For a Prince who conſidered his Faith to his own People ſo little, can have no Regard to Strangers.

The Matter contained in both *Memorials* are ſo much to the ſame Purpoſe, that the King thinks fit to join the Reflections that he makes on the laſt, in the ſame Paper with thoſe he made on the firſt; ſo that the Juſtice of his Cauſe may appear more evidently in one View, and without needleſs Repetitions.

The King does not think it proper nor neceſſary for him, to enter into the Diſcuſſion of the Lawfulneſs of the late Revolution. That has been copiouſly done already by the Men of thoſe Profeſſions to whom the managing of ſuch Queſtions does belong; both with relation to the Principles and Rules of the *Chriſtian Religion*, and to the Laws and Conſtitution of theſe Kingdoms. It is acknowledged by all, that the Meaſures of Obedience and Subjection do vary in all Nations, according to the Diverſity of their Conſtitution: Nor is it denied by any that have looked into the Hiſtory or Laws of *England*, that the Crown and the Regal Prerogative here are limited by Law.

A great Difference is alſo to be made between the Overthrowing the Conſtitution and Fundamentals of a Government, and ſome leſſer Violations. The preſerving

preſerving the one againſt open Attempts made upon it, has been univerſally juſtified by the chief Aſſertors of the Sacredneſs of Princes.

A main and fundamental Point of this Conſtitution is, That the Subjects ought to be governed by Laws enacted in *Parliament*, and not by the mere Pleaſure of the King.

The *late King* ſet himſelf to overturn this, not only in ſome Practices that imported it by Conſequence, but by a public Act of State; by which he declared, That the Power of diſpenſing with Laws was a Right of the Crown, upon which he aſſumed it. This ſtruck at the Foundation of the Government; and the Exerciſe and Progreſs of it muſt have been fatal to the Liberties of the People. Upon that, divers Perſons of great Eminence invited the King to come over, and to endeavour to bring things back to their antient Channel. The King thought it became him, who was nearly concerned in the Succeſſion of the Crown, and in the Preſervation of the Conſtitution, to come over on that Deſign: But the *late King* choſe to deſert his Government, and to have recourſe to a foreign Force, and to the antient Enemy of this Kingdom, rather than to ſuffer a *Parliament* to ſit, and to ſettle the Nation, which was then quite ſhaken by his ill Adminiſtration. By his ſo doing, he ſet his Subjects free from any farther Tie to himſelf, and made it neceſſary for them to ſee to their own Safety: Which they did, by continuing the antient Government, with no other Interruption than what their preſent Circumſtances made unavoidable.

This appeared to have been the more neceſſary, when by the ſhort Eſſay of the *late King's* Government in *Ireland*, he ſhewed how little Regard he was reſolved to have either to Law or Juſtice for the future: Even the Proſpect of regaining what he had loſt by his own ill Conduct, could not then reſtrain him; which made it very evident to all Men, what they were to expect from him, if they ſhould ever again fall into his Hands. It has alſo appeared in many Inſtances ſince that time, and moſt particularly in the late *Memorial*, that he ſtill adheres to the ſame Deſigns and Maxims of Government; notwithſtanding all the Reports that ſome, who are either deceived themſelves, or intend to deceive others, give out of a Change in his Notions, and of a ſenſe of paſt Errors; of the contrary of which he now takes pains to convince all the World.

Nothing was done in the Progreſs of the whole Revolution, but that which he made inevitable by ſome Act or other of his own. It went not upon falſe Suggeſtions, nor barely upon the Pretences of redreſſing particular Grievances, or ſome doubtful Oppreſſions, much leſs on the ambitious Deſigns of his Majeſty, that are ſo often and ſo maliciouſly repreſented as the true Cauſes of the Revolution. It was the *late King's* open throwing off the Reſtraint of Law, and his ſetting about a total Subverſion of the Conſtitution, that drove the Nation to extream Courſes.

The Oath of Allegiance can be underſtood only in the Senſe limited by Law, and ſo they cannot be conceived to bind Subjects to a King who would not govern them any longer, unleſs he might be allowed to do it againſt Law.

A Revolution ſo brought about, carries in it no Precedent againſt the Security of Government, or the Peace of Mankind. That which an abſolute Neceſſity enforced at one time, can be no Warrant for irregular Proceedings at any

any other time; unleſs it be where the like Neceſſity ſhall require the like Remedies.

But ſince the *late King* thinks fit to reflect on the Oaths of Subjects, he ought alſo to remember the Oath which he himſelf ſwore at his Coronation, to defend *The Church of* England, and to maintain the Laws; to neither of which he ſhewed any Regard in his whole Government, but ſet himſelf to overturn both.

The many Alterations that have been made in the Succeſſion to the Crown of *England*, upon Occaſions that were neither ſo preſſing nor ſo important as thoſe of late were, ſhould have obliged thoſe who penned the *Memorial*, to be more reſerved and leſs poſitive, in affirming things ſo contrary to the known Hiſtory of this Kingdom. Theſe Revolutions were confirmed by Laws, which were not afterwards, upon ſucceeding Changes, repealed; for they continue ſtill in Force: Nor was the Crown of *England* ever reckoned to be ſuch a Property to thoſe who held it, that they might uſe it or diſpoſe of it at pleaſure, as this *Memorial* ſeems to ſuppoſe.

The King thinks it not neceſſary to add much to what has been already ſaid upon the Subject of the pretended Prince of *Wales*; it was the *late King*'s own Conduct that gave juſt Cauſe of Jealouſy in that Matter. No Satisfaction was offered, neither tothoſe who were moſt immediately concerned, as being next in the Succeſſion, nor to the reſt of the Nation; which yet might have been done in a way that could not have admitted of any Doubt, if there was no Impoſture deſigned in the whole Conduct of that Affair. This gave an univerſal Suſpicion; which was ſo public, during the time when it was given out that the *late Queen* was with child, that the whole Nation was poſſeſſed with it. And ſince nothing was done to give them any juſt Satisfaction, in a Matter of that Importance, and which might have been ſo eaſily performed, and was ſo much their own Intereſt to have done; this gave a violent Preſumption againſt them, that ſuch an unaccountable Management was neceſſary to cover a black Contrivance. And how odious ſoever that Imputation may appear to be, yet thoſe who have been ſince that time ſo often engaged in the Deſign of Aſſaſſination, ought not to think it ſtrange if they are alſo judged capable of the other.

Foreign Princes and States muſt acquieſce in the public Judgments that are made by the only proper Courts that can enquire into, and judge of the Conſtitution and the Affairs of other Kingdoms. Foreigners have not the Power of examining or judging them, nor the means of doing it. The only Rule by which all other Princes or States can judge of the Laws and proceeding of theſe Kingdoms, is the Determination and Cnncluſions made in a free Convention of Eſtates; which have been approved of, and mightily ſupported ſince that Time, by two ſucceeding *Parliaments*, that were freely choſen, and have acted with full Freedom.

This, as it is notoriouſly evident to all *Europe*, ſo it is that by which all other Princes and States muſt be concluded, in the Judgment that they may make concerning the Affairs of theſe Kingdoms.

The Leagues and Treaties between other Princes and States, and the *Crown of England*, are not perſonal but national Obligations. For theſe tho' they are made by Sovereigns, yet relate to their People, and to the Intercourſe and Commerce

Commerce between them and other Nations; and are ſuch reciprocal Ties, that no Prince nor State can be bound by them to any other Prince who has forſaken his Poſt, and is no more acknowledged by his People; by the means of which he can no more perform thoſe Articles to which he was bound on his Part by ſuch Treaties. So that the *late King*, by abandoning his People, has loſt the Benefit of thoſe Alliances.

The Engagements that do ariſe out of them, follow the Crown of *England*, and are now veſted in his Majeſty. Nor do thoſe Princes or States ſtand engaged by them to the *late King*, all the Rights and Obligations flowing from them, being now wholly due to the King.

His Majeſty does not apprehend any thing from the Intimation given in the *Memorial*, of Revolutions that may happen hereafter. There is no great Reaſon to think, that theſe Nations, which have been in all paſt times ſo careful to preſerve their Laws and Liberties, ſhould at any time hereafter come to loſe all Regard to them ſo entirely, as not to maintain a Revolution, which has ſecured them from imminent Ruin, and has given their Conſtitution ſuch a Confirmation, and ſuch Explanations, as the Injuſtice and Violence of the former Reign had made neceſſary.

The King reckons his having been the Inſtrument, under *GOD*, of effecting this, amongſt his greateſt Honours; and by the Grace and Bleſſing of *GOD* he will maintain it as long as he lives; and doubts not but that he ſhall tranſmit it to thoſe who are to ſucceed him, according to the preſent Settlement. Hoping that *GOD* will ſo ſupport and bleſs Him, and Them after Him, that the Religion and the Liberty of theſe Kingdoms ſhall be preſerved pure and entire to all ſucceeding Generations.

An Original LETTER of Prince *Henry* to King *James*. A Manuſcript out of the *Cottonian* Library.

[*Both Hiſtory and Tradition overflow with the Praiſes of* Henry *Prince of* Wales, *eldeſt Son of King* James I. *and as no Queſtion can be made, that they were manifeſted in his daily Actions, it is ſo much the more to be lamented, that they have not been more circumſtantially commemorated: All Hiſtorians take notice, that Sir* Charles Cornwallis *was ſent to negotiate a Marriage for him, with the eldeſt Infanta of* Spain. *But none of them, as I can find, ſo much as mention any Propoſal of that Nature to the Court of* France; *and yet that ſuch a Propoſal was actually made, is apparent by the following Letter, which is the moſt convincing Memorial that I have ever ſeen of the Parts and Addreſs of that celebrated Darling of the* Engliſh *People.*]

May it pleaſe your Majeſty,

SEEING that your Majeſty's Pleaſure ſignified unto me, by Lord *Rocheſter**, is, that I ſet down my Opinion concerning the Propoſition lately made by your Ambaſſador unto *Villeroy*: Your Majeſty muſt pardon both the Boldneſs of my Writing, and the Weakneſs of my Opinion in a Matter of ſuch Conſequence.

Wherefore, may it pleaſe you to conſider, that for ſo far as your Ambaſſador hath hitherto proceeded in it, it hath wrought the ſame Effect, that might have been looked for; but, when it cometh unto more particular Negotiation, whether they will then yield unto ſuch Conditions as your Majeſty, in your Wiſdom, ſhall think fit; the Succeſs of their next Interview will make you give a more near Gueſs.

The Cauſe which firſt induced your Majeſty to proceed in this Propoſition by your Ambaſſador, was the Hope which the Duke of *Bouillon* gave your Majeſty, of breaking their *other* Match with *Spain*. If the Continuance of this Treaty hold only upon that Hope, and not upon any Deſire to effect a Match with the *ſecond* Daughter; in my weak Opinion I hold that it ſtands

* *Robert Carr* Viſcount *Rocheſter*, and afterwards Earl of *Somerſet*, between whom and the Prince there was an irreconcileable Quarrel, either becauſe that Lord had ſupplanted his Highneſs in the Confidence of the King his Father, or the Affections of the Lady *Catherine Howard*, who, having been firſt marry'd to the young Earl of *Eſſex*, was divorced on purpoſe to make way for her Nuptials with the Favourite *Rocheſter*: But, however this was, the Prince openly frown'd on *Rocheſter*, and vow'd Revenge againſt the whole Family of *Howards*, who had ſworn themſelves of his Party againſt all Oppoſers. And the Iſſue of all was, his Highneſs's Death, on the 6th of *November*, 1612, of what was then called a *popular Fever*; or, as others will have it, of Poiſon; which was charged directly on Lord *Rocheſter*, and indirectly on the King himſelf; who was ſuppoſed to be jealous of the Virtues of his Son, and his abſolute Sovereignty in the Hearts of the People.

more

more with your Majesty's Honour, to stay your Ambassador from moving it any more, than to go on with it; because no great Negotiation should be grounded upon a Ground that is very unsure or uncertain, and depends upon their Wills who were the first Causers of the *contrary*.

Next, it will not be honourable for your Majesty, that the World should see, that when you shall have broken it off, after a long Treaty, you did it only to speak of the *other*, seeing they will say, that it is your own Fault, in not having made soon enough an Overture for the *first*.

Whether your Majesty will proceed farther in it, upon the Desire you have to make a Match with the *second?* That, with the rest, I leave unto your Majesty's further and better Judgment. But, if your Majesty be resolved to continue it, in respect of itself, then I intreat your Majesty, be sure of the Certainty and of the sending of her hither, upon the Conclusion, or at the furthest, at the going of the *other* into *Spain*.

I fear I have troubled your Majesty's Patience too long, with a good Tale ill told; but you must impute this Fault unto your Command, and not unto my Presumption. I shall ever hold myself very happy to be commanded by him whom I have most reason of all others to love, honour, serve, and obey; and who shall ever find me

His most humble, faithful,

and obedient Son, and Servant,

Richmond, this 29th *July*, 1612.

HENRY.

Superscribed, To the King's most excellent Majesty.

A politique Discourse, by way of Dispute, about the happiest Marriage for the noble Prince *Henry*. Written in *Anno* 1611. By Sir *Walter Raleigh*.

[*It is not improbable, that this Discourse was presented to King* James *the first, and so came to the View of the Court of* Spain. *On these Suppositions, it will add Credit to our Historians, who impute this Worthy* Englishman's *Death, to the* Spanish *Minister. This Discourse was more offensive to that proud Court, than this Hero's Voyage to* Guinea, *of which the* Spaniards *had timely Intelligence. And that is not the only Instance of the Kind, in the Conduct of* English *Affairs.*]

THERE is no Body that persuades our Prince to match with *Savoy*, for any love to the Person of the Duke, nor (as I hope) for his Religion; neither will any Man oppose it for any particular Dislike. For as there never hath been Quarrel between our Nation and his, so hath he for ought I have heard, never given Offence to any of ours. It should therefore seem, that it is for the Good of *England*, that he that desires it, desires it; and for the same Good it is, that he that desires it not, dissuades it.

The Points in it that are considerable are these.

I. Wherein it concerns the Duke to seek Alliances with *England*.
II. The Pretences of Marriages between Princes, are seldom the same with their Intents that propound them, and what hidden Dangers may be under the Alliances presently desired.
III. Wherein it may concern us to match with *Savoy*, and against whom he can assist us.
IV. That *Savoy* and *Spain* are inseparable, and that *Savoy* dare not offend the Pope nor Emperor.
V. Against whom the *English* shall need his Assistance.
VI. Of the Inconveniences in General.
VII. Of the Inconveniences, in particular to the Prince.
VIII. With what Prince it were most for his Highness's Advantage, to match with all.

The Reasons that are apparent on the Dukes behalf, are these.

I. That either by the Countenance or Assistance of his Majesty, he may hope to possess himself of the Duchy of *Milain*, which was promised him in Dowery with his Wife, by the King of *Spain*.
II. To recover *Bresse* from the *French*.
III. To obtain *Geneva* from the Protestants.
IV. To make his Daughter a great Queen, and he or his shall be able to say in the future, that the Kings of *England* are of the Race of *Savoy*.

THESE

THESE Pretences are exceeding Fair, if the Pretences in Traffic of Marriages between Kings and Princes, were the same with their Intents: But we know by Experience, how many of these fraudulent Propositions, have been made both to the *French*, the *English*, and to other Princes of the Houses of *Arragon* and *Austria*, of which the Daughters of *Savoy* are descended, and by which kind of Traffic, these Kings have prevailed more then by all their Forces and Arms. For by these Falshoods, they carried *Naples* and *Millain* from the *French*, by a Match with our King *Henry* VIII. when they drew his Army into *Briskey*, to invade *France*, they conquered *Navarre*. They hoped also to have possessed *England*, by a Match with Queen *Mary*; which tho' they failed to gain, yet we failed not to lose *Cales*. What Marriage had fairer Pretences, then that of the King of *Navarre*, afterwards King *Henry* the fourth of *France*, with the Lady *Margaret* of *Valoi's*, now living, whereby a Peace was concluded between the Kings, and the Party of the Religion, and by which, the miserable Civil Wars in *France* were concluded; and yet the Intent was so far from the Pretence, as 100000 were murdered in one Day, at *Paris* and else where. Nay, what greater Treason and Cruelty was ever covered under Pretence of Marriage, then that of *Francis Forzia*, Duke of *Milain*, who under Pretence to win that famous *Italian* Captain on his Part, gave him his Daughter *Drusiana* in Marriage, and sent his Army to serve *Ferdinando*, King of *Naples*, where, by the Practice of *Forzia*, *Picinius* and his Sons were murdered by the King, after he had royally received, and feasted him in his own Court.

Lastly, becaus Examples are infinite, I will conclude with *Brentwolgh*, Prince of *Bolonia*, who, to the end, to make himself Master of *Forma*, gave his Daughter to the Lord thereof, and she according to her Fathers Instructions, caused her Husband to be murdered in her own Chamber.

There is a kind of noble and royal deceiving in Marriage, between great Kings and Princes, yea, it is of all other, the faireſt and most unsuspected Trade of betraying. It hath been as ordinary amongst them, to adventure and cast away a Daughter, to bring some Purpose to pass; as at other times for saving Charges to make them Nuns.

I speak not to prejudice, or forejudge that worthy Prince, the Duke of *Savoy:* For there is no Example to be followed, or to be feared, where like Occasions and like Circumstances do not concur. He cannot betray us, till we trust him: There is nothing of ours near him, nor of his near us. It is the *Spaniard* that is to be feared, who layeth his Pretences with a long Hand; in which respect, it were not amiss to consider of the Plots of the *English* Priests, who not long since, have published and permited certain far fetched Titles, both of the King of *Spain*, and Infanta his Daughter: For it were an horrible Dishonour, to be over reached by any of these dry and subtil headed *Spaniards*.

Parsons under the Name of *Dolman*, hath cast abroad a most pestilent Book in our *English* Tongue, wherein, after he hath laboured by all the Strainings and Subtilty of Wit, to weaken all other Titles, and his Majesties, which is undoubted, he prefers that of the Infanta and that of the King her Father and Brother, for the most clear and ancient: The first he draws from *Constance*, the

the eldeſt Daughter of *William* the Conqueror; the ſecond from *John* of *Gaunt.*

Now this Title, or Pretence of Title of the Infanta, of which all our Papiſts had ſuch hope in the Time of Queen *Elizabeth*, is for want of Heirs of her Body, fallen upon the Heirs of her Siſter, the Duches of *Savoy*: The Infanta and the Duches being two Daughters of *Philip* the ſecond; I cannot tell, I leave it to wiſe Men to judge, whether the Lady *Elizabeth* were not therefore ſought for, both by the King of *Spain* and *Savoy*, (being the eldeſt Daughter of *England*) by her to ſtrengthen their former Pretences; and ſeeing both of them have failed in that hope, the Duke of *Savoy* would now ſend a Daughter into *England*, who might practice a Party, either for her Brother or for her Uncle. Certainly it were a brave Subject, for our malicious Papiſts to work upon, who are better learned in *Dolman*'s Book, then in the New Teſtament. For having a Daughter of *Savoy*, the Infanta failing, they have the ſame Princes, in whoſe Title and Religion they believe, by having the Infanta her Siſters Daughter; they have for their Purpoſes the Infanta herſelf: Nay, it ſerves their turn the better, the Infanta being loſt. For our next Neighbours may under colour of Viſitation, practice at pleaſure: And it is the Infanta that hath the beſt Army in all *Europe* in her hands, and may be paſt over into *England* in a Night. And that it may not be thought, that this Point is ſtrained by me, theſe are *Parſons*'s own Words: I ſay alſo, that this Lady Infanta, or ſome other by her Title and her Fathers good Will, was likelieſt of all Strangers to bear it away. For that if the Infanta ſhould either die or be married into any other Country, or otherwiſe diſpoſed, ſo as her Pretence to *England* ſhould be diſabled, before their Affairs came to be tried, her ſaid Father and ſhe, if they liſt, may then caſt their aforeſaid Intereſt and Titles, as divers Men think they would, upon ſome other Prince of their own Blood; which is as much as to ſay, they will reſign their ſuppoſed Right to the Children of the Duke of *Savoy*. Nay, to help the Matter, *Parſons* gives a Title to the Duke of *Savoy* by the Lady *Beatrix* of *Portugal*, his Grandmother. It is true, that any Title will ſerve the *Spaniards* Turn. *Bragança*, *Parma*, and *Antonio*, were before *Philip* in the Kingdom of *Portugal.* He came behind them all in Right, but he went before them in Power, which needs no Advocate. And though it ſeems to be reſolved, that the King of *Spain* and the Duke are at difference for the preſent, yet the King of *Spain* hath him in his Hands, and the Duke's Children receive the very Bread they feed on from the *Spaniards*; which, being denied them, they have nothing wherewith to ſuſtain themſelves; for the Duke himſelf is extreme poor.

They are of the Blood of *Spain*, to whom the Dukes of *Savoy* have always been Servants, and very often the Commanders of their Armies.

I ſay, that herein whatever be pretended to the contrary, it is *Spain* that we ought to ſuſpect; *Spain*, from which *Savoy* is inſeparable; *Spain*, to which *England* is irreconcileable: For thus the Caſe ſtands between theſe Princes.

The Duke hath yet living four Sons. He had five, but the eldeſt was poiſoned in *Spain*; becauſe the King bound himſelf to give the Duchy of *Milain* to the firſt eldeſt Son born of his Daughter. The ſecond, which is Prince of *Piedmont*, called Don *Philliberte*, lives with the Duke his Father; but

but of leſs Hope by far than Don *Philip* his Brother was. His third Son Don *Victorio Amadeo*, Knight of *Malta*, is the great Commander of St. *John's*, in *Spain*, 100,000 Crowns *per Annum*; and withal, General of the King of *Spain*'s Gallies, a Place of great Honour and Profit. The fourth Son is Cardinal, and hath the one half of the Profit of the Archbiſhoprick of *Toledo*, and is promiſed the whole after the Death of the now Biſhop, an Eſtate worth 300,000 Crowns *per Annum*. The fifth Son Don *Thomazo* (of whom his Mother the Lady *Catherina de Auſtria* died) a Prince of fifteen Years of Age, hath alſo a Penſion out of *Spain*; but hath not yet acquired any particular Title. For his four Daughters, the eldeſt a very wiſe, godly, and virtuous Lady, as yet unmarried. The ſecond, married to the eldeſt Son of the Duke of *Mantua*. The third, married to the firſt Son of the Duke of *Modena*; and *Regio*, the Baſtard Son to the Duke of *Ferrara*; that laſt died without lawful Heirs Males, whereby *Ferrara* eſcheated to the Pope. The youngeſt, the Lady *Catherine*, is yet undiſpoſed. Hereby it is eaſy to judge, whether the Duke of *Savoy* will abandon all theſe Penſions and Preferments, and enter into a War with the King of *Spain* for the Duchy of *Milain*, or for the Quarrel of any other Prince, ſeeing *Milain* itſelf, when it was a Duchy a-part, was ever a Principality of greater Force than *Savoy* or *Piedmont*.

To think that he can be aſſiſted by us, they have, as I believe, by far exceeded their Commiſſions, that gave him that Hope; for if *England* itſelf had a Quarrel with *Spain*, it muſt of neceſſity maintain the War by the War, as the *Netherlands* did after they loſt the Trade with *Spain*, and as we ourſelves in our late Queen's Time.

If it be againſt *France* that the Duke pretends he cannot forget it, how *Francis* the Firſt thruſt him out of all he had, becauſe he refuſed him a Paſſage into *Italy*, when *Charles* the Fifth, that great Emperor and King of *Spain*, fought to defend him; and that the late King *Henry*, the fourth of *France*, took from the Duke now living *Bergamo-Briſelle*, with the Territory, and forced him to come to *Paris* in Perſon, and buy his Peace; I ſay, they are betrayed by their own Ignorance, that perſuade themſelves, that *Savoy* dare lift up his Hand againſt either of theſe Kings; againſt *Spain*, without the Help of *France*; or againſt *France*, without the Aſſiſtance of ſuch a League or Civil War, as the Houſe of *Lorrain* made and moved in the Year 1586, againſt *Henry* the Third of *France*, and afterwards againſt *Henry* IV. his Succeſſor; at which time the Duke of *Savoy* recovered the Marquiſate of *Saluſſes*.

Thirdly, For the obtaining of *Geneva*, I am perſuaded that his Majeſty will never be a Party in that Enterprize. And if the Duke ſhall offer it to our King, he might well anſwer him as *Alexander* did *Darius*, that the Gift of thoſe Things which are out of our Poſſeſſion are not thank-worthy; and, were it his to give, how ſhall his Majeſty keep it ſo far off, ſeeing the *Brille* and *Uliſhinge* ſeated ſo near us, are in ſuch ſort ours that the *Hollanders* and *Zealanders* may thruſt us out of them when they pleaſe, thoſe Places being daily inlarged and increaſed in People, and our Gariſons if they do not diminiſh increaſe not?

For

For the fourth, That the Duke hath a Desire, it may be an Ambition, to see his Daughter a great Queen, and to be on the one Side the Parent of the Kings of *England*. For the first, I am of opinion, that his Daughter is like to be a very old Lady e'er that come to pass; for his Majesty being subject to no Sickness, is, by God's Favour, likely to live long. For the other, it cannot be doubted, seeing the Mother of this Daughter had nine Children in nine Years; but the Duke's Sons may call our Kings Cousins.

Now, the Consideration is, of what Use the Match of *Savoy* may be unto us? First, it may be said, that for want of Heirs Males, the Principality may fall to our Prince, or to his. I confess it possible; but there is no hope that the Prince can have it, being so far off; for the Duke hath four Sons yet living: And if all this should fail, yet if there were any collateral Heirs Males to be found, he should be assured of the Assistance of *Spain*, *Naples*, *Milain*, and the Pope; and of all the Strength that the Provinces of the *Netherlands* under the Archduke, can assemble. And therefore, as the State of Things do now stand, the Expectation is nothing worth. *Francis* the First that had Right to it by his Mother, quitted it. *Ireland* is near unto us, and in our Sight, and yet we wish it often in the Bottom of the Sea. For having been governed neither as a Country conquered, nor free, it hath served us but as a Grave for our best Captains and Soldiers, and for Conduits to draw from us the greatest Part of our Provisions and Treasures. The *Low-Countries* and *Ireland* have beggared *Spain* and *England*. If then the Hope of Principality be not great, what is there else our King and Prince can expect from *Savoy?* You will say, Assistance against our Enemies. Certainly, if the King had a Quarrel against *France* or *Spain*, the Duke knows not how to help us in either. For if he declare himself against *Spain*, *Milain* would easily waste, or master *Piedmont*; if against *France*, the Frontier Countries of *Provence*, *Dauphiné*, *Lyons* and *Brussels*, are stronger than he; if against the Pope, all the World knows that he dare not stir; and our King hath no Enemy so malicious as that Prelate; if against the Emperor, he cannot of all other move against him; for whatsoever his own Lawyers say, and whatsoever hath been concluded in his own Parliament, *Selinus*, and other excellent learned Men, make him a feodarie Prince of the Empire; and both *Adolphe* and *Vinceslaus* were deposed. *Bodine* doth not acknowledge the Emperor himself, to be an absolute Sovereign; but for the sovereign Officer of the Empire, in whom the Sovereignty resideth. And the Word Vicar, importeth as much as Lieutenant or Deputy.

And if the Emperor be not a Sovereign, much less he that holdeth of the Empire. A Sovereign is he that acknowledgeth no Superior. The Earldom of *Savoy* was one of the four Earldoms of the Empire, and so it continued well near four hundred Years, from the Time of King *Henry* V. until the Time of *Sigismonde*; who, at the Council of *Constance*, made the Earls of *Savoy* Dukes. And it is no longer since than the Time of *Charles*, this Man's Grandfather, that after he had taken his Oath to the Emperor, within two Years after he made Suit to have the Form of his Allegiance altered.

If the King had Quarrel against any other State or Princes of the *Romish* Religion, the Pope would presently stile the Wars Catholick; and curse and excommunicate

excommunicate all Princes and States subject to the See of *Rome*, that should offer us Assistance.

The little Princes of *Italy* have not the Daring, that they had in former Times, when *Philip Vicontie Fortibracico*, *Frauncis Forz*, and others, invaded the Territories of the Church, and enforced the *Romans* themselves to thrust the Pope *Eugenius* out of *Rome*, to save their City from sacking. No, the King of *Spain* will not offend his Holiness. For the Pope in favour of *Philip* the Second, because he was wasted in War against the *Lutherans*, cut off by his Authority (I know not how) a Debt of many Millions to the *Genouese*. The Pope hath given him, in favour, all the Pardons which are sent to the *Indies*, worth to the King half a Million *per Annum*. He gives him the Service of the Jesuits Assassinates, to murder all Kings and Princes his Enemies, as *William* of *Nassau* Prince of *Orange*, *Henry* the Third and Fourth of *France*. Proportionable hath the Duke of *Savoy* made Benefits from the Pope. His Son Don *Victor* hath received from him the Cardinal's Hat. Cardinal *Aldebrand*, Nephew to *Clement* VIII. hath purchased *Racence* in *Piedmont* of the Duke; after whose Death that rich Territory must fall to the Church, if the Pope of his Grace do not confer it on the Duke. In brief, the Duke is so tied to the See of *Rome*, both in Religion and Benefit, as he can be no more separate from it and subsist, than the Body of Man can be from his Soul and live.

What then remains of Profit to our Prince by this Alliance? A Sum of Money and a beautiful Lady. For Beauty, it was never so cheap in any Age, and ever better beloved in the Hope, than when it is had. For the Million of Crowns offered, which make but two of our Subsidies, I speak it confidently, that when all those Dukes, Lords, and great Ladies, which will attend the Princess in her Passage hither, shall be all presented with Gifts according to their Degrees and the King's Honour, when the Preparations, Triumphs and Feastings are paid for, there will nothing remain but a great Increase of Charge, and a great deal of Melancholy.

If then, by the Duke of *Savoy*, we can neither strengthen nor inrich ourselves, let us see who they are that for the present we have cause to fear, and against whom we stand in need of Assistance.

There are but two Kings to look after, to wit, *France* and *Spain*. As for the Archduke, the States for their Interest will look after him.

In *France* his Majesty hath a Party strong enough, both of his own Alliance, and of the Religion. At the least, he is sure that during the King's Minority the Queen will keep all quiet if she can.

For *Spain*, it is a Proverb of their own, That the Lion is not so fierce as he is painted. His Force in all Parts of the World (but in the *Low-Countries*) are far under the Fame. And if the late Queen would have believed her Men of War, as she did her Scribes, we had in her Time broke that great Empire to Pieces, and made their Kings, Kings of Figs and Oranges, as in old Time; but her Majesty did all by Halves, and by petty Invasions taught the *Spaniard* how to defend himself, and see his own Weakness, which, till our Attempts taught him, was hardly known to himself. Four thousand Men would have taken away all his *Indies* from him; I mean, all the Ports

by which his Treaſure doth paſs. He is more hated in that Part of the World by the Sons of the Conquerors, than the *Engliſh* are by the *Iriſh*. We were too ſtrong for him by Sea, and had the *Hollanders* to help us, who are now ſtrongeſt of all. In Eighty-eight, when he made his great and fearful Fleet, if the Queen would have hearkned to Reaſon, we had burnt all his Ships and Preparations in his own Ports; as we did afterwards, upon the ſame Intelligence and Doubt in *Cadiz*. He that knows him not, fears him; but, excepting the *Low-Countries* Army, which hath been continued and diſciplined ſince *Charles* the Fifth's Time, he is no where ſtrong. They are but Fables, that are ſpoken of him elſewhere. And what can the *Low-Country* Armies do, if the *Indies* pay them not? Nothing but mutiny and ſpoil his own Territories, as they have often done; and of late Years, almoſt to the Ruin of the Archduke. But, perhaps you will ſay, that being combined with *France*, he is more powerful than ever. It is true, if *France* and *Spain* were married together, as their Princes are; or, if thoſe Marriages were not more politick, than faithful. The *French* and *Spaniſh* will never agree, that either of them ſhall over much endanger *England*, if it were in their Power ſo to do.

When the Emperor *Charles* the Fifth, the King of *England*, and the Pope, and moſt of the Princes of *Italy*, had made a League againſt *Francis* the Firſt, as ſoon as he was taken Priſoner in *Pavia*, ſome of them fell preſently off, and the reſt made a League againſt the Emperor, to ſave *France*. Kings are not like private Men, they forſake not one another in Adverſity, though not perchance for their Sakes that are oppreſſed, but for their own; becauſe of the ſurmounting Greatneſs of any one. What they may do by Perſuaſions of the Jeſuits for Matters of Religion, I do not know.

But the Marriage of *France* and *Spain* may vaniſh away in Smoke, as many of them have done heretofore, when they have been as ſolemnly conſidered, and ſworn unto, as theſe are.

The *Auſtrians* have oftentimes over-reached *France*, and made them Children with the Marriage of Children, and thereby married the Time more fruitful for their Affairs, than the Daughters of *France*.

The *French*, for any thing that we know, may at this time pay them with the ſame Coin; for it was well ſaid of *Machiavel*, in his *Florentine* Hiſtory, between Men that aſpire to one and the ſame Greatneſs, though Alliance be made, yet Friendſhip never.

The fourth Part of our firſt Diviſion, is the Conſideration of the Inconveniences in general, as followeth: If we join in Amity with *Savoy* we loſe all the Proteſtant Cantons, and break the Hearts of the People of *Geneva*, which our late Queen highly favoured, and relieved; which all the *German* Princes, Proteſtants, cheriſh; which the Kings of *France*, though of contrary Religion, have always protected. The Duke of *Savoy* will ever be an Enemy to the Commonweal, and they to him. Their Intereſt both in Religion and Communion will for ever ſeparate them, till one be Maſter. And that which is a Matter of greateſt Importance, that our State can look after, we ſhall by this means increaſe the Jealouſy of the *Netherlands*. They began to cool towards

us;

us, when we made Peace without them, which enforced them to make their long Truce.

They were the laſt that put down Arms, and although they compounded, upon the greateſt Diſadvantage, *France* and *England* having firſt compounded, yet they made a far more noble Peace with *Spain* than we did.

Since which Time they have neglected us by Degrees, let us look into it with all the Eyes we have. For to which of theſe three thoſe People faſten themſelves, *England*, *France* or *Spain*, he that hath them will become the greateſt and give the Law to the reſt. If any doubt it, he knows not much.

But this hath been our own Fault, and the deteſted Covetouſneſs of ſome great ones. For, whereas in my time, I have known one of his Majeſty's Ships command forty of theirs to ſtrike Sail, they will now undertake us one to one, and not give us a good Word. They maſter us both in their Number and in their Mariners; and they have our own Ordnance to break our Bones withal. We had reaſon to help them, but not to overhelp them; neither to help them up to that Height, as to make them able to tread on our Heads.

Henry, the Fourth of *England*, gave Aſſiſtance to the Faction of *Burgundy* and *Orleans*; but as ſoon as he found *Orleans* to ſink, he drew his Sword on the weaker Side. But there is no Counſel of Things paſt, they may ſhew how to prevent the like Occaſion arriving.

For the laſt, the Match of *Savoy* divides us from *France*. The narrow Seas cannot ſo much ſunder us, as that Alliance will. It diſſolves their Hope, and whereas now they are faſtened to *Spain* but with Cords of Cobweb, they will then, perchance, chain themſelves with Steel.

You will then aſk me, where the Prince ſhall find a Wife? Neither in *Savoy*, nor in *Florence*; for the Money received for either being told, I have told you the beſt Tale for them. Not, that I object what hath been objected againſt thoſe Princes, as meanly deſcended: For the *Medici* are very ancient, and ancient in Virtue and Fame. It is true, that long ago they were Merchants; and ſo was *Solomon* too. The Kings in old Time had their Herdſmen, their Shepherds, and their Plowmen. They traded with Nature and with the Earth; a Trade, by which all that breathe upon the Earth live. All the Nobility and Gentry in *Europe* trade their Graſs and Corn and Cattle, their Vines and other Fruits. They trade them to their Tenants at home, and others merchant them abroad. The King of *Spain* is now the greateſt Merchant. The King of *Portugal* was. The Kings of *France* are twice come out of the *Florentine*; and therefore the ſuppoſed Ignobility cannot diſſolve them. They can then give us but Money, and the Sum is the ſame that *Savoy* hath offered. If you aſk me whether I like of any *German* Lady? I ſay, I like it well enough in reſpect of the Nation, who are juſt and free from Treachery. But the Match between the Palatine of the *Rhine* and the Lady *Elizabeth*, will make us ſtrange enough in *Germany*; and by reaſon of his Alliance with the Houſe of *Naſſau*, better aſſured of the *Netherlands* than we were. But the Merchant doth not hazard all his Eſtate in one Veſſel. No more do well-adviſed Princes lay all their Happineſs upon one Nation.

Now, if by these Dislikes of the foresaid Alliances, you make Judgment that it is my Desire that the Prince should not marry at all; I say my Desire is not, that he should not marry at all, but not as yet. And I am exceeding sorry, that the Prince hath not the same Desire. For his Majesty is yet but young, and by God's Favour likely to live many Years; and that his Highness, if he should now marry, may have many Children born unto him, before he be thirty Years old; and that all his Children shall be Princes, and must be provided for as Princes. I think, it will much perplex him to find himself so invironed, till his Majesty have somewhat repaired his Estate and provided beautiful Gardens to plant those Olive Branches in.

While the Prince is yet unmarried, all the Eyes of *Christendom* are upon him: For with what King soever he be balanced, he will cast the Scale. But to have him weighed with a little Prince, I should be sorry; and he himself will be as sorry soon after. All the Princes of *Christendom* woo'd *Charles* Duke of *Burgoin*, while his Daughter was unmarried. And while our Prince is free (our Enemies not knowing upon what Ground to build their Practices) his Majesty is in the mean time infinitely in Safety; but the Prince once disposed of, they will presently muster our Forces, measure our Fortunes, sound us to the Bottom, and make their Approaches accordingly. Then will they say, We have seen the uttermost of the Prince of *Wales*.

Seeing therefore we have nothing yet in hand; seeing there is nothing moves; seeing yet that the World is in a Slumber, and that this long Calm will shortly break out into some terrible Tempest, I would advise the Prince to keep his own Ground for a while, and no way to engage and entangle himself. While he is yet free, he had from those whom he refuseth their Hopes are past, but a great Malice followeth. He that hath been sought of many and hath refused many, shall be hated of many: I could therefore wish that the Prince were fastened to such a Party as could best sustain it. And seeing there is none but a Catholick Lady for us, let us have a King of our Side to the boot.

If you object that the Daughter of *France* is too young, I hope that the Prince doth not find himself too old to tarry a while; and, for any Reason that I know to the contrary, if Money be the Matter, it may be had in the mean time.

This Match, I say, will give the new League such an Alarm, as they will hardly be able to know how to cover themselves in their own Trenches.

There were never Nations had so much cause to hate one another, as *France* hath to hate *Spain*. They hold from him the Kingdom of *Navarre*, without so much as the Colour of a Title. They betrayed them in *Naples*, and did not overcome their Army there; but murdered it after a Peace proclaimed. They hold *Milain* from them by strong Hand. And, after that, *Charles* the Fifth, to have leave to pass through *France* into *Flanders*, to pacify the Tumults of *Gaunt*, had promised the *French* King to restore it; the Emperor derided him, and said, he promised him *Millain*, which is the *French* Word for a Kite.

They have betrayed them in many Offers of Marriages. They poisoned the Dolphin of *Viennois*. They have murdered the Ambassador. They have displanted

diſplanted them *Florida*; and, contrary to Faith, killed the Poſſeſſor in cold Blood. They tore them in pieces at the *Terceras*. They ſet the Subjects of *Henry* III. and *Henry* IV. againſt them. They invaded *France*, poſſeſſed *Paris*, and moſt of the Cities of *France*; and, in Concluſion, practiſed to murder both thoſe Kings. Now, if thoſe Injuries be not far more memorable than marriageable, let the World judge.

On the contrary, againſt us the *French* hath no Pretence. They hold from us that we never had from them, but our lawful Inheritance; yet did her Majeſty aſſiſt them in all their Extremities. And, as his Majeſty's Anceſtors have been moſt conſtant Friends unto them; ſo did King *James* the Fifth arm ſixteen thouſand of his Nation, at his own Charge, to ſecure King *Francis* the Firſt, when the Emperor invaded *Provence*.

If therefore our Prince ſhall take a Daughter of *France*, the Lady promiſed to *Spain* being yet taken but in Terms, we may well aſſure ourſelves, if there remain any Virtue, Nobility or Gratitude in the *French* Nation, that the Queen of *France* will make great Difference between her Sons in Law, and the King of *France* between his Brothers in Law, *England* and *Spain*. By holding *France*, we hold the *Low-Countries*, which will make us invincible: For they dare not abandon us both. On the contrary, although the Princes conſidered apart, and diſunited, are not as before is ſaid, to be feared; yet were it a needleſs Hazard to neglect the Love of *France*, and to ſuſtain the Hatred of the Archduke, the Pope, and the King of *Spain*; Hatred, more than immortal, (if more it may be) to our Nation and State. The Wounds are too many and too deep, that we have given them; and not to be healed with a Plaiſter of Peace; and therein the different Affections of theſe two Nations was made manifeſt: That the *Spaniard* did utterly ſhun, and the *French* did earneſtly ſeek the Love of our Prince, If then the four Princes ſhould combine againſt us, from whom may we hope for Help? If it be from *Savoy* or *Florence*, God help us; our Friends inhabiting beyond the Mountains, our Enemies hard at hand. We leave thoſe ſtrongeſt and neareſt us, for thoſe that are weakeſt and fartheſt off. We leave thoſe that can help us, or harm us, for thoſe that can do neither. Theſe we leave that depend of themſelves, to wit, the *French*, for thoſe that depend on others, to wit, the *Savoyan* and *Florentine*.

A more exact and neceſſary Catalogue of Penſioners in the *Long Parliament*, than is yet extant: Together with their ſeveral Gratuities, Rewards and Salaries, beſtowed upon themſelves out of the Ruins of King and Kingdom, (not for Secret, but) for Publick Service, (if you will believe them) as Mr. *William Prinn*, (a Member in the ſame Parliament, and a reſtleſs Stickler in all thoſe Revolutions) and the Hiſtory of Independency (Printed in the Year 1648,) informs us.

THE Speaker (*Lenthal*) 7730 *l. per Annum.* and 6000 *l.* given him at one Time beſides.

Bulſtrode Whitlock, Commiſſioner of the Great Seal, worth 1500 *l. per Annum*, and 2000 *l.* given him beſides.

Edmund Prideaux, 7200 *l. per Annum.*

Roger Hill, 1200 *l. per Annum.*

Francis Rous, 1200 *l. per Annum.*

Humphrey Salway, 200 *l. per Annum.*

John Lile, 800 *l. per Annum.*

Oliver St. John, hath the paſſing of all Pardons upon Commiſſions, worth 40,000 *l.* And, by Ordinance of Parliament, both Attorney and Solicitor to the King, worth what he pleaſed to make it; and what that might probably be, ſhall not be here eſtimated; it being well known, that they were always tender-conſcienced in the Concerns of Profit; eſpecially

Sir *William Alliſon*, 1600 *l. per Annum.*

Thomas Hoile, 1200 *l. per Annum.*

Thomas Pury, Senior, 400 *l. per Annum*, and 3000 *l.* given him beſides.

Thomas Pury, Junior, 200 *l. per Annum.*

William Ellis, 200 *l. per Annum.*

Miles Corbert, 1700 *l. per Annum.*

John Goodwine, 700 *l. per Annum.*

Sir *Thomas Widdrington*, 1500 *l. per Annum.*

Edward Biſh, 600 *l. per Annum.*

Walter Strickland, 5000 *l.*

Nicholas Love, 2000 *l. per Annum.*

Sir *Gilbert Gerrard*, Pay-Maſter to the Army, and had 3 *d. per* Pound allowed him; which, at leaſt, amounted to 12,000 *l. per Annum*; beſides 60,000 *l.* given him, and 1200 *l. per Annum.*

Gilbert Gerrard, his Son, 500 *l. per Annum.*

John Selden, 5000 *l.* given him, of which he received 2500 *l.*

John

John Bond, made Master of *Trinity* Hall in *Cambridge*.

Sir *Benjamin Rudiard*, had 5000 *l.* given him.

Lucas Hodges, made Customer of *Bristol*.

Sir *John Hipsley*, had the keeping of three of the King's Parks, *viz.* *Marybone*, *Hampton*, and *Bushy* Parks; and 2000 *l.* given him besides.

Sir *Thomas Walsingham*, a great Part of the Lord *Dorset*'s Estate given him; and he cut down 4000 Timber Trees of it.

Benjamin Valentine, 5000 *l.* given him.

Sir *Henry Heyman*, 5000 *l.* given him.

Dennis Hollis, 5000 *l.* given him.

Nathaniel Bacon, 3000 *l.* given him.

John Steevens, 1000 *l.* given him.

Henry Smith, 2000 *l. per Annum.*

Robert Renolds, got 20,000 *l.* by the Purchase of Bishops Lands; and had 400 *l. per Annum*, and 2000 *l.* given him besides.

Sir *John Clotworthy*, Treasurer for *Ireland*; and charged by the Army, with defrauding the State of 40,000 *l.*

John Ash, 14,000 *l.* given him; and what was worth all, was made Great Chair-man of *Goldsmiths-Hall*.

John Lenthal (the Speaker's Son) 2000 *l. per Annum.*

Francis Allen (made Customer for *London*) formerly a poor Goldsmith in *Fleet-street*.

Giles Green, had Sir *Thomas Dawes*'s Estate given him.

Francis Pierpoint, had the Archbishop of *York*'s Lands in *Nottinghamshire*, given him.

William Pierpoint, had 47,000 *l.* given him.

John Blackstone, had 15,000 *l.* and 200 *l. per Annum* given him.

Seawine, had 2000 *l.* given him.

Isaac Pennington, 7000 *l.* besides Store of Bishops Lands given him.

John Palmer, made Master of *All-Souls*, in *Oxford*.

Thomas Ceety, long a Prisoner for Debt, helped out by the Parliament, and made Recorder of *Bridgwater*.

Thomas Moor, made an Officer in the Custom-House.

Samuel Vassel, 1000 *l.* given him.

Oliver Cromwel, 4000 *l. per Annum.*

Sir *William Brereton*, 2000 *l. per Annum.*

Thomas Wait, Governor of *Burley*; and has thriven so well by it, as from nothing to be able to purchase 500 *l. per Annum.*

Sir *Oliver Luke*, Colonel of Horse; and in a fair way to retrieve his decayed Estate.

Sir *Samuel Luke*, Colonel, and Scout-Master for the Counties of *Bedford*, &c.

Thomas Gell, Lieutenant-Colonel, and made Recorder of *Darby*.

Valentine Walton, Colonel, and Governor of *Lime-Regis*.

Richard Norton, Colonel, Governor of *Southampton*.

Edward Harvey, (late a poor Silkman) Colonel, and had given him the Bishop of *London*'s Manor of *Fulham*.

Edward

Edward Roſiter, Colonel, and General of the *Lincolnſhire* Forces, and Governor of *Belvoir* Caſtle.

Sir *Michael Liveſey*, Colonel, Sequeſtrator, and Plunder-Maſter General of *Kent*.

Henry Ireton, Colonel, and Commiſſary-General.

Richard Salway, Colonel, formerly a Grocer's Man.

J. B. once a Carrier, now a Colonel, which he found to be the beſt Employment; and got ſo plentifully by it, that he may well ſerve in ſucceeding Parliaments *gratis*.

Thomas Rainsborough, (a Skipper of *Lime-Regis*) Colonel, Governor of *Woodſtock*, and Vice-Admiral of *England*.

Robert Black, Colonel, Governor of *Taunton*.

Francis Ruſſel, Colonel.

Rowland Wilſon, Colonel.

Robert Harley, Colonel.

Richard Brown, Major-General, and Governor of *Abington*.

Peter Temple, Captain of a Troop of Horſe.

John Ven, Colonel, and Governor of *Windſor*, had 4000 *l.* given him.

Algernoon Sidney, Governor of *Dover* Caſtle.

Richard Ingolsby, Colonel, Governor of *Oxford*.

John Hutchinſon, Colonel, Governor of *Nottingham*.

Sir *John Palgrave*, Colonel.

Edmund Ludlow, Governor of ——

Cornelius Holland, 1600 *l. per Annum*.

Philip Skippon, Serjeant-Major-General of the Army, Major-General of *London*; and had 1000 *l. per Annum*, Lands of Inheritance given him.

Charles Fleetwood, Colonel.

Thomas Weſtrow, nothing worth until a Captain, and Parliament-Man, had the Biſhop of *Worceſter*'s Manor of *Hartlerow*.

Henry Martin, Colonel of a Regiment of Horſe, and a Regiment of Whores.

Nathaniel Fiennes, Colonel, (Governor of *Briſtol* once) thereby hangs a Tail.

Anthony Stapley, Colonel, Governor of *Chicheſter*.

Alexander Rigby, Colonel, Governor of *Boulton*.

Charles Pym, Captain of a Troop of Horſe.

Sir *Arthur Haſlerig*, Colonel, Governor of *Newcaſtle*; and had the Biſhop of *Durham*'s Manor of *Aukland*, and 6500 *l.* given him.

William Gipſon, Colonel.

Sir *Thomas Middleton*, Major-General for *Denbigh*, and five other Counties.

Godfrey Boſwell, Colonel.

Lord *Gray* of *Grooby*, had the Queen's Manor of *Holdenby*, and made a great Fall of the Woods.

Sir *William Conſtable*, Governor of *Glouceſter*; he ſold his Eſtate to Sir *Marmaduke Langdale*, for 25,000 *l.* and was reſtored to it again by Parliament, without returning a Penny of the Money back.

Sir

Sir *William Purefoy*, Colonel, and Governor of *Coventry*; he fought valiantly againſt the Market-Croſs at *Warwick*, and the Monuments in St. *Mary*'s Church there, for which he had 1500*l.* given him; but when he ſhould have fought with the Enemy, hid himſelf in a Corn-field, which made a Waterman at Temple-Stairs (that had been his Soldier) refuſe to carry him.

Sir *Edward Hungerford*, 1500*l. per Annum.*

Herbert Morley, Colonel, Plunder-Maſter of *Surry*.

John Moor, Colonel, and had for ſome time the Benefit of Paſſes out of *London*.

Walter Long, Colonel, had 5000*l.* given him.

Sir *Waller General*, he loſt two Armies, yet a gainer by the Imployment.

John Allured, Colonel.

Michael Oldſworth, Governour of *Pembroke*, and *Montgomery*, had 3000 *l. per Annum* given him, and was Keeper of *Windſor-Park*.

Thomas Scot, (a Brewer's Clerk once) had *Lambeth-Houſe*.

Aſhurſt, had a 1000*l.* given him, and had the Clerk of the Peace's Place for *Lancaſhire*.

And all the 500 and 16 Members, by account, gave themſelves 4*l. per* Week *per* Piece, which is 107308 *l. per Annum.*

But theſe are ſmall and trivial Sums, which ſignify nothing: But the Motive Paramount to all, was, *For the Sake of the Lord.*

Ecce! The New Teſtament of our Lords and Saviours, the Houſe of Commons, and the Supreme Councel at *Windſor*. Newly tranſlated out of their own heatheniſh *Greek* Ordinances, with their former Proceedings; diligently compared and reviſed, and appointed to be read in all Conventicles.

CHAP. I.

The Genealogy of the Parliament, from the Year 1640. *to this preſent* 1648. *The Conception of their Brain, by the Influence of the Devil; and born of Hell and Damnation, when they were eſpouſed to vertue.*

1. THE Book of the Generation of *John Pim*, the Son of *Judas*, the Son of *Belzabub*.

2. *Pim* begat a Parliament, a Parliament begat *Strowd*, *Strowd* begat *Hazelrig*, and *Hazelrig* begat *Hollis*.

3. *Hollis* begat *Hotham*, *Hotham* begat *Martin*, *Martin* begat *Corbet*.

4. *Corbet* begat *Stapleton*, *Stapleton* begat *Lewis*, and *Lewis* begat *Clotworthy*.

5. *Clotworthy* begat *Glin*, *Glin* begat *Long*, *Long* begat *Waller*, and *Waller* begat *Massey*.

6. *Massey* begat *Pointz*, *Pointz* begat *Skippon*, *Skippon* begat *Cromwell*, and *Cromwell* begat *Fairfax*.

7. *Fairfax* begat *Rainsborow*, *Rainsborow* begat *Ireton*, and *Ireton* begat *Whaley*.

8. *Whaley* begat *Desborow*, *Desborow* begat *Hammon*, *Hammon* begat *Rich*, and *Rich* begat *Watson*.

9. And *Watson* begat *Baxter* and his Brethren, about the Time that he was sent for by the Houses to *London*, to carry away the spoils of the City.

10. And after they came to *London*, *Baxter* begat *Wilson*, *Wilson* begat *Manby*, and *Manby* begat *Estwick*,

11. So that all the Generations, since *Pim* to *Estwick*, are three Generations; the first Generation was, when this Parliament began to sit, and pretended a *Reformation*; the second Generation was, when this Parliament had sate five Years, and made a perfect *Deformation*; the third Generation now is, when this Parliament must render an Account of their Treasons, and their Heads suffer an *Exaltation*.

12. Now the Birth, or Beginning of this Parliament, was on this wise; when as their Mother, the Kingdom of *England* was allied or espoused to a great Desire of reforming Abuses; and had therefore nominated their Knights, Citizens, and Burgesses; who (as soon as ever they came together) were found with Child of Schism, Sedition, and Rebellion.

13. Then King *Charles* being a just Man, and not willing to have himself and People ruinated, was minded to dissolve them.

14. But while he thought on these Things, behold an Angel of Darkness, in the Shape of an Angel of Light, appeared to him, saying, King *Charles*, these Men intend nothing but thine, and the Kingdoms good, therefore fear not to give them thy Power, for what they now undertake, is of the Holy Ghost.

15. And they shall bring forth a Son, and shall call his Name *Reformation*; he shall save the People from their Sins.

16. Now all this was done, that it might be fulfilled which was spoken long ago, in the Prophesy of *Owtwell Bins*.

When England *doth swim in Floods*
Of Plenty, and grows Proud of Goods,
Then from their sleep they shall be waked,
To know themselves both blind and naked:
Christ's Church must know some Misery,
There shall be a doleful Tragedy;
Then Coblers shall leave their Last,
In Sermons up their Gall to cast;
Mag-pies and Parrots then shall prate,
Both of the Eagle and the State,
Untill they bring things in conclusion,
To much Disorder and Confusion.

17.

17. Then *Charles* being thus deluded, did as the Angel had bidden him, and gave Countenance to his Parliament, and knew not their evil Intentions, till they had brought forth their firſt Born, which was *Rebellion*, and he called his Name *Treaſon*.

CHAP. II.

The wiſe Conſpirators direct the People to Petition to them; they worſhip them, and offer their Preſents: King Charles *flyeth towards* York, *with his Wife and Children.*

1. NOW when this Parliament began at *Weſtminſter*, in the fifteenth Year of the Reign of our Sovereign Lord, King *Charles*, behold there came a Company of fooliſh Men out of *Buckinghamſhire*.

2. Saying, where is he that is born King of *England?* for we have heard that he will not conſent to his Ruin, and are come to ſcold with him.

3. When the King's Friends heard this, they were troubled, and all *Britain* with them.

4. But when the King had gathered a choſen Company together, he went and demanded the five Members that were chiefly oppoſite againſt him.

5. But they ſaid unto him, they are not here; for thus it was purpoſely ordered.

6. Then the King, when he had ſummoned his Privy Council, diligently enquired of them, what was to be done?

7. And he called thoſe that came out of the Countries, and ſaid unto them, go home to your Houſes and enquire of your own Conſciences, whether theſe your Undertakings are Pious; and you find they are ſo, bring Word again, and I ſhall willingly aſſent.

8. When they heard the King, they departed, and lo the ſame Spirit of Error that firſt poſſeſſed them, went before them, till it came and ſtood over the Houſe where the Commons were aſſembled together.

9. And when they ſaw the Spirit, they rejoiced with an exceeding great Joy.

10. And when they were come into the Houſe of Commons, they ſaw *Pim*, *Hazelrig*, *Hollis*, and *Strowd* ſitting together, and they fell down and worſhiped them; and when they had given them many thanks for their meeting, they preſented unto them that which they preferred above all Things, to wit, Gold.

11. And being warned by their Fears, not to go back and tell the King, they departed into their own Country another way.

12. And when they were departed, behold the Angel of the Lord appeared to King *Charles*, and ſaid, ariſe and take thy Princely Children and their Mother, and fly into the North, for the *Londoners* joining with thy Parliament, will ſeek to deſtroy thee and them.

13. Then the King aroſe, and took his Wife and departed, accompanied with ſome faithful Friends.

14. Then the Houſes being vexed they could not work their Ends upon him, were exceeding wrath, and ſent forth, and ſtirred up the Minds of the Peo-

ple of *England* to Rebellion, and ſlew and impriſoned all thoſe that would not be Confederate with them.

15. But while theſe Things were acting, behold an Angel of the Lord appeared to the King, and ſaid unto him, ariſe and get the Friends thou haſt together, and arm thy loyal Subjects for thy Preſervation.

16. Then he aroſe and ſtrengthned himſelf, proclaimed his rebellious Parliament Traytors, and came to the City of *York*.

CHAP. III.

The Sectarian Clergy incenſe the People againſt the King, the phariſaical Common-Councel wiſh the rude Multitude to come to be Baptized of them.

1. IN thoſe Days came *Saltmarſh* the *Antinomian*, and *Dell* the *Independent*, and Preached to the Citizens of *London*.

2. Saying, now is the Time that ye ought to ſtand up for the Truth, and to help the Parliament forward with your Plate and Money.

3. For theſe were they of whom Saint *Peter* propheſied; *that have eyes full of Adultery, and that cannot ceaſe from Sin, beguiling unſtable Souls, and Hearts they have exerciſed with covetous Practiſes; curſed Children, which have forſaken the right Way, and gone aſtray, following the Way of* Balaam, *the Son of* Bozor, *who loved the Wages of Unrighteouſneſs.* 2 Pet. ii. 14, 15.

4. And the ſame *Saltmarſh* and *Dell* had large Stipends allowed them, and were cloathed with Iniquity as with Raiment.

5. Then went out to them all the Inhabitants of *London*, and all the Region round about.

6. And were by them ſeaſoned with ſeditious Principles, covering their Sins.

7. And when they ſaw them, they ſaid, O ye People of *London*, and the Parts adjacent, now arm yourſelves for the Battle, and go out and fight againſt your King, and his Adherers, bring alſo in your Plate and Jewels into *Guild-hall*.

8. And think not to ſay within yourſelves, It is better for us to be quiet, and ſit ſtill, rather than to run the Hazard of loſing our Lives and Eſtates; for we ſay unto you, that you ſhall be Proſperous in your Undertakings, and ſhall ſoon accompliſh the Work.

9. And now alſo the Axe of the Parliament is laid to every Man's Throat, and he that will not be rebellious, ſhall not live.

10. We indeed gain only ſome few hundred Pounds, and chaſtiſe with Words, but your Parliament intend to purchaſe Lordſhips, and to whip you with Gleams of Fire.

11. Their Fan is in their Hand, and they will throughly purge your Purſes, for their Ambition burns like unquenchable Fire.

CHAP.

CHAP. IV.

The King tempted with unheard-of Propositions, he resisteth the Temptation, and the People flock unto him, moved by the sound Doctrine of his Declarations.

1. THEN was King *Charles* permitted by God to be tempted by his Parliament, with unreasonable Propositions many Days.

2. And when *Pembroke* the Tempter came unto him, he said, If thou wilt still be King of *Great Britain*, thou must set thy Hand to these Propositions.

3. But he answered, and said; It is written in the *Proverbs*, *Thou shalt fear God, and honour the King; the Wrath of a King is like the Roaring of a Lion, and he that provoketh him sinneth against his own Soul.*

4. Then *Pembroke* the Tempter said unto him, Behold thou shalt be a more great and glorious King than any of thy Progenitors; we will augment thy Revenues, and inlarge thy Territories, if thou wilt but fall down and worship us thy Parliament.

5. But he said unto him again, it is written in the *Romans*, *Let every Soul be subject to the higher Powers, but to the King as supreme:* Now, therefore, get thee gone, thou Rebel; for, in the *Proverbs*, *Where the Word of a King is, there is Power; and who may say unto him, what dost thou?*

6. Then the Tempter left him, and his own faithful Lords came and ministred unto him.

7. Now when the King heard that his Parliament had entered into Covenant against him, and had constrained his Liege People to swear their own and his Ruin, he caused his Standard to be erected at *Nottingham*.

8. And leaving the City of *York*, he came and kept his Court in *Oxford*, one of the Eyes of *England*.

9. From that Time there was deadly War between the King and his Parliament, with an equal Concernment on both Sides.

10. And his Fame went throughout all the Quarters of *England*, the People bringing unto him all such as were diseased with the Evil, and he healed them.

11. And there followed him great Multitudes of his People from *Kent*, from *Staffordshire*, and from beyond *Tyne*.

A PSALM to be sung as the Fifteenth of *David*'s.

GOOD Lord confound King Oliver,
And all his holy Crew;
With Rainsborow, *that Leveller,*
And Pride, *that precious* Jew.

Let Say *once more, we do thee pray,*
Into a Saw-pit fall;
Let Martin *purge his Pox away*
Within some Hospital.

Let

Let Hammon *have his Brains knock'd out,*
With his own Bunch of Keys;
Let Watſon, *and his zealous Rout,*
Viſit the Hebrides.

Let the two Houſes fight and ſcratch,
Like Wives at Billingſgate;
And let them ne'er a Peace up patch
Until it be too late.

That ſo upon each Houſe of Clay
King Charles *may mount his Throne:*
Hear us (O Father) we thee pray,
Our Hope's in thee alone.

Printed 1648.

REASONS why the Rector of *P*----- took the Oath of Allegiance to King *William* and Queen *Mary*.

[*Whether this grave Piece was written in jeſt, or earneſt, it contains the Caſuiſtry of many* Jacobites, *who take the Oath.*]

WHEN a Man is about to diſcourſe a Caſe of Conſcience, it's not proper to entertain the Reader with Compliments, or inſinuate into him with Slights of Eloquence; but to refer his Judgment free and unpoſſeſſed to the Conſideration of the Strength or Weight of his Arguments. And therefore, withoutany Formality or Careſs beſtowed upon him, I fall directly upon the Point in Queſtion:

Whether a Clergyman, having firſt taken the Oath of Allegiance to King James, *and afterwards that to King* William *and Queen* Mary, *be thereby involved in the Guilt of Perjury?*

In order to the Solution of this Doubt, I ſhall ſlit it into three more:

1. *What we were bound to, by virtue of the Oath of Allegiance made to King* James?
2. *What we are obliged to, by the Oath given to King* William *and Queen* Mary?
3. *Whether the Obligation to the firſt, may not be thought to ceaſe or expire, before the other was ſuperinduced?*

To ſtate the firſt of theſe, it will not be neceſſary to tranſcribe the whole Oath; but 'tis ſufficient to ſingle out ſuch Paſſages, as are moſt liable to Exception; and ſeem to contain ſuch Matter, as we have put ourſelves out of all

all Capacity to perform; if we will be ſincere and true to the ſecond, and the Aſſurances we have thereby given to the Acceſſors. And, I ſuppoſe, theſe are all, from which any Objections can be raiſed.

1. That we will do our endeavour to diſcloſe and make known to his Majeſty, *&c.* all Treaſons, and traitorous Conſpiracies, which we ſhall know or hear of to be againſt him.

2. That we will defend him to the utmoſt of our Power, againſt all Conſpiracies and Contempts whatſoever.

3. That we will bear Faith and true Allegiance to him.

The firſt that we will endeavour to diſcloſe, *&c.* we have not put ourſelves out of a capacity to perform; for this cannot be underſtood of open and avowed Wars, or oblige us to take Poſt, and travel Sea and Land, to let him know that his Crown is aſſumed by another, and that there are mighty Preparations to invade that Kingdom alſo, which he has made his Retreat; when he has already beheld enough with his own Eyes, and ſeen his Enemy encamped againſt him in the open Field.

But ſhould I by any Accident be made acquainted, with any private Conſpiracy againſt his Perſon; to poiſon or aſſaſſinate him, or cut him off by any other clandeſtine or ſiniſter Means; there lies no Obligation upon me to conceal it. Theſe are wicked and inhuman Practices, againſt the Laws of Arms and Nations. * *Impia bella ſuſcipitis, & cum arma habeatis, licitamina hoſtium capita.* And in this caſe we have not promiſed to keep Counſel. For all Obligations to Secrecy, muſt be underſtood with this Exception, that the Buſineſs they impart be no Sin to be committed, for that we are bound to reveal that it may be prevented. Upon this Principle the Oath of Allegiance is founded; which could take no hold of a *Romiſh* Prieſt for whom it was chiefly intended, if when he has given his Faith to keep the Secrets of a Penitent, he might not diſcover a treaſonable Deſign. And *Garnet*'s Plea ſhould have been admitted, who ſaid, *He durſt not inform of the Powder Plot, becauſe it was communicated to him, under the ſacred Seal of Confeſſion.*

2. We promiſe, that we will defend him to the utmoſt of our Power, againſt all Conſpiracies whatſoever.

As for defending him from all Contempts, that is, that we will aſſert him to be our rightful ſovereign Prince, not to hold his Crown by the Favour of the Pope; nor to be depoſable by him or any other Perſon or Power whatſoever. Which does not oblige us to be always arguing and pleading for it, but when it may probably do good; and upon the Concurrence of ſuch Circumſtances, they have expunged all that Paſſage out of the latter Oath, that we may not be abridged of that Liberty.

And to defend him from all Conſpiracies, is to watch the Motions of all thoſe whom we ſuſpect to be diſcontented and diſaffected to his Government, or upon any Account to incline to the Diſturbance of him, or to introduce any other Perſon or Power; that we will obſerve their Meetings and Cabals, dive as much as we may into the Matter of their Conſults; uſe all Diligence firſt

* *Alexander apud Q. Curt.* Lib. 4.

to

to inform ourſelves, and then the King or his Officers, of any Plot or Practice that we ſhall learn to be carrying on againſt him.

And this is all that this Particular obliges us to, as may appear, 1. becauſe this is ſufficient for him, and his Security; and, 2. becauſe we have no Power or Authority to do more.

1. Becauſe this is ſufficient. Let a Plot be hatched with never ſo much Subtlety, and Stratagem; let the Confederates be never ſo numerous and ſtrong; if it come to Light before it be put in Execution, 'tis without any Difficulty, or any further Aſſiſtance from us, eaſily baffled and diſappointed. There needs no more than timely Detection, to ſave him from any Danger or Attempt againſt him. When the Prophet had told the King of *Iſrael*, of the Ambuſh that was laid for him; there was no fear but he might eſcape it. And then the Informer was the real Author of that Deliverance, and may without any Impropriety of Speech, be ſaid to defend him, and be ſtiled the Saviour of the King and Nation.

2. Private Men have no Power to do more. Should they arm or aſſociate themſelves, without any further Order or Commiſſion than this Oath of Allegiance, though with a ſincere Purpoſe to prevent, or ſeize, or diſperſe the Conſpirators; they are puniſhable as Traitors themſelves.

Nay, to exceed a Commiſſion a little in this Caſe, and with good Succeſs too, is not without Peril of our Lives*. Upon Intimation that ſome of the principal of thoſe who were engaged in the Powder-Plot, were hovering thereabouts, the Sheriff of *Worceſter* raiſes the Power of his County to apprehend them. They fly, and he purſues, but not able to overtake them till they had eſcaped beyond the Bounds of his Province; he ſtill follows them into the Frontiers of the next, and there takes them Priſoners. But for this good Service he was forced to beg Pardon, and in rigour of Law had forfeited his Life, for overpaſſing, with his Power, the Borders of his own Juriſdiction. For all his Oath, the moſt loyal Subject, if but a private Perſon, can do no more with Safety for the Defence of his King, than diſcover a Treaſon. For that can never be accounted a Branch of our Duty or Allegiance, by the doing of which, we incur the Pain of Death. We never were obliged to more, and this we may ſtill perform.

3. We promiſe that we will bear Faith and true Allegiance to him.

For the firſt, it concerns thoſe who have enjoyed any Offices or Places of Truſt under him, who are hereby bound faithfully to diſcharge the Duty and Service belonging to them. And ſuch, if they ſhould enter into any new Covenant, or Promiſe, to ceaſe or forbear acting according to the Tenor of ſuch Truſt or Commiſſion, have no Benefit of this Apology. In the Poet's † Viſion of Hell, there was one Apartment for thoſe, *Quique arma ſecuti impia, nec veriti Dominorum fallere dextras.* But in relation to others, it ſignifies no more than Truth and Sincerity of

Allegiance. And what that imports is the grand Queſtion, and ſuppoſed to be an inſuperable Difficulty. The Word being a Term of Art, the juſt

* *Sanderſon de Conſc. Præl.* 10.

† *Virgil Æn.* 6.

and

and true Value of which to us may not be exactly known; it seems to me reasonable and necessary to refer it to the Judgment of those, who are versed and learned in it: The Lawyers I mean, who, in this case, I esteem the most able Casuists, for every Man is to be believed and trusted in his own Profession; especially when there is little or no Difference of Opinions amongst the Masters, or Professors of it, but that they go unanimously one way. I could clearly acquiesce in this, without any Conflicts; but since others may think it not safe to submit to their Authority, I will reason a little about the Notion of Allegiance.

One grave and pious Author sends us much too far in the Search, who would have us to seek it among the Records of the obsolete *Gothic*, feudal Laws, and infers that it must needs signify at this Day some active warlike Endeavours in Behalf of the Sovereign; because the Tenure of those Times was, upon Condition that the Tenant should attend his Lord to the Wars, and the Security they gave to perform this, was swearing to bear Faith and true Allegiance to them.

Had there been a Controversy about the Sense of some Record, or Deed of equal Date, there might have been some use of the Criticism; but it is not to be allowed in the Interpretation of a modern Statute. Many strange Absurdities would follow, if we were to expound Words in present Writings, according to their primitive and original Use. How ridiculous did this make the Emperor *Claudius* *, when in a Speech and Apology which he made to the Senate, it appeared, that he took *Libertinus*, for the same Man that it signified in the Time of *Appius Cæcus? Ignarus temporibus Appii & deinceps aliquandiu, libertinos dictos, non ipsos qui manumitterentur, sed ingenuos ex his procreatos.* He that hears the Name of Tyrant now, supposes him to be some savage Beast, or Monster, rather than a Man; a Prince that employs all his Power to Cruelty and Oppression, that regards no Laws but those of his own Lusts, that tramples and insults upon the Lives and Fortunes of his Vassals with Pride and Pleasure. But Time was when it was no Scandal or Reproach, a Title becoming the most moderate and indulgent Monarch. And by this Rule, Clemency and Tyrany should signify the same Thing; which, according to the Idiotism of our Days, are quite contrary.

But, supposing that the Name should, through many Succeessions, adhere to the same Thing, there would arise great Incongruity betwixt them; because that Individual to which it is so inseparably united, would in Process of Time differ from itself. So that if the same Word should be appropriate still to the same Thing, yet that, because it undergoes many Alterations, Transformations and Decays, cannot be rightly apprehended by one unalterable Notion. Because the Things are subject to so much Vicissitude and Change, if the Words or Names continue the same, there must needs be some Disproportion. *Rome* was once a small Street of Shepherds Tents, she grew to be one of the most sumptuous Cities in the World, is now much fallen from her Magnificence again; yet, in all these Variations she retains the same Name. Now, he that should frame to himself an Idea of that City, in the Case it stands, by the Descriptions he meets about the Reign of *Augustus*, would be

* *Suet. Claud.* 24.

as much mistaken on one hand, as the Swain that measured it by his Mantua was on the other. Nothing in this World continues in the same State and Posture; but if any thing be more moveable and transient than another, it is the Affairs of Government, and the Terms and Forms that depend upon it.

Now, after so many and great Revolutions as have happened to the Government, and such Exchanges and Regulations as have been made of the Revenue, and other Laws relating to the Support and Maintenance of it; when the Tenure itself is extinct, the Militia otherwise settled, the Knight of the Fee by Act of Parliament excused from going himself in Person, it cannot be that Allegiance should yet be equivalent to what it was in the Reign of King *Arthur*.

Yea, I must advance further, and affirm that there is no Conclusion can be drawn from a Word, because there is no necessity that it should be taken in the full Latitude of that which was the received Sense at the penning of the Statute. For every single Term does increase or abate of its natural Force, by the Structure of a Sentence, and the Influence of other Words that are joined with it. That Sentence may be corrected or restrained by other Paragraphs or Provisos in the same Statute. And that Statute admit of several Limitations from other Laws, made before or after it. The Author gives some Indications that he is a Divine, and then he cannot be ignorant, that to make a right and sound Interpretation of a Text, it is not sufficient to know the Etymology of the Words, but we must seriously weigh the Context, compare it with other Places of Scripture, and the acknowledged Principles of Faith; all which were vain and fruitless, if Words were to stand inflexible in any certain and natural Sense. I hope, therefore, that good Man will give me leave to say, that his Argument from those barbarous Laws is not conclusive.

It will from hence likewise follow, that I need not trace it through all the Labyrinths of the Law; for I think a few Considerations will evince, that the Oath of Allegiance does not oblige us to any actual, military Service.

1. We cannot have a Judge of more Credit or Authority in this Cause than King *James*, in whose Reign, and for whose Security against his Subjects of the *Romish* Persuasion, the Oath was enjoin'd. And he in his Apology for this Oath does often declare, that nothing more is intended by it than bare Obedience. And, upon that account, does exaggerate the Injustice of the Pope, who by his *Breve* forbad the Catholicks to take it. And looks upon that as a Command to them to rebel, as if there were no Medium betwixt that and Allegiance; and says, that if they did not design that, they might safely make Profession of it.

Nor does the Oath seem to be framed for the sake of those that would take it, but to discover those that would not. Rather that such might be excluded from all Employments, than that the King should make use of their Service. The Philosopher says, it is a foolish thing to capitulate and intreat for that, which is in our own Power and Hands already. Since therefore the King had Power before this, when his Occasions called, to summon and compel them to go for or with him to the Wars, it was altogether superfluous and vain, to extort a Promise from them to do that, which he might assure himself

ſelf of, by more effectual and compendious Means. The Truth is, that the Deſign and Purpoſe of it was, to take care that none ſhould creep into Offices or Commands, who when Opportunity offered, might revolt and betray him.

2. It is common to make Acts of Parliament for the naturalizing of Strangers, after which Naturalization they become, to all Intents and Purpoſes, as natural born Subjects, and owe the ſame Faith and Allegiance; yet all Foreigners muſt of neceſſity be the natural Subjects of ſome other ſovereign Prince or State. Either therefore the King and the Houſes deal very ſtrangely, in beſtowing that upon them as a Favour and Privilege, which they know muſt unavoidably involve them in that black Sin of Treachery and Diſloyalty to one of their ſovereign Lords: Or elſe, Allegiance muſt in their Judgments be ſomething payable to two ſeveral Princes, though they ſhould chance to contend: Which can be nothing but Neutrality, or Non-oppoſition; for it is impoſſible he ſhould be active on both Sides, unleſs as a Fugitive and Deſerter: Or, if he could, by adhering to their Enemies, becomes diſloyal and rebellious unto both. Or elſe, the Obligation to his ancient Lord muſt be ſuppoſed to ceaſe and expire, upon this new Stipulation of his Subject.

3. If Allegiance did require the bearing of Arms, then would it be a capital Crime not to accept a Commiſſion. Indeed, to decline it in time of Danger, may bring upon a Man the Reproach of a Coward, or the Suſpicion of being ill-affected to his Majeſty's Perſon or Intereſt; but ſurely no Indictment lies againſt him for Perjury, or Attainder for Treaſon. Unleſs under ſuch a Tyrant as *Domitian*, whom *Xiphilin* reports to have put *Herennius Senetio* to Death, for no other Reaſon, but becauſe after the Quæſtorſhip he never ſued for any higher Office. Upon the News of any Navy ſeen off the Coaſts, or ſome Inſurrection in the Bowels of the Kingdom, if every Man were bound to repair to the Camp, or liſt himſelf at the firſt Beat of Drum, there would be a ſtrange Confluence of People, more in Danger to be called in Queſtion for a Riot, than likely to be commended for their Loyalty. And if all that are left behind muſt be accuſed, Traitor will be a Title for the moſt, and wiſeſt, and beſt Men of the Nation; and there are none truly loyal, but a few Bankrupts, Debauchees, Ragmen, and the very Scum of the Rabble.

When a Proclamation, in theſe Caſes, is iſſued out, and profeſſes to preſcribe and teach us our Duty exactly; it requires no more, but that we ſhould not aid, or abet; that we ſhould not adhere to, or any way aſſiſt the King's Enemies, or the like: But never, that we ſhould deſert our ſeveral Vocations; or that the Shepherd ſhould leave his Sheep in the Wilderneſs, and go down to the Battle.

Nay more, he that has been liſted and inrolled the King's Soldier, that has been in actual Service, and afterwards flies from his Colours, ſhall only be proſecuted as a Felon, not impeached of Treaſon; nor ſhall his Indictment run, for having done any thing contrary to his Allegiance*: And if the forſaking of his Colours be not the Crime, the ſtaying at home is ſurely leſs criminal than that.

* 7 *H.* VII. 1.

4. The Church of *England* has been always eminent for the Loyalty of her Principles. Upon this she justly values herself, and her Sons pay her due Honour and Veneration: For this she creates herself many Enemies, who asperse her as a Parasite and Flatterer of Princes. Even they, who are the Parties concerned, applaud her for it; and one who professed he would suffer no Diminution of his Prerogative, gave her this Testimony, That she ascribed enough to Monarchy. Yet, after all this have I never found, that she carried the Point a jot higher than Non-resistance.

5. Every Law or Statute, once enacted or received, must continue in Force till it be abrogated or annull'd. And therefore all subsequent Acts, where there is no Clause of Repeal, must be understood with Submission to those senior Laws. And in this Statute for the Oath of Allegiance, there being no Syllable to evacuate any ancient Laws, it must needs leave us in Possession of all our legal Privileges. Now, Clergymen were exempted from all Martial Service, both by Statute and Canon Law.

The Statute of 19 *Henry* VII. 1. which did oblige all others (of such Estate and Tenure) to attend the Royal Standard, when the King goes to War in Person, provides that it shall not extend to any Spiritual Person *. There were several Canons then in Force, that forbad them, under heavy Censures, the bearing of Arms, several Constitutions require they should be so abstemious from spilling of Blood; that they should not give a Vote, nor concur to the Sentence that may touch the Life or Limb of any Criminal; much less do they allow that we should become Executioners, and imbrue our Hands in the Blood of Rebels in the Field: Nay †, this seems to be a Law of Nations; for the Heathens always spared their Priests, and upon what Exigence soever they made new Levies, never offered to draw them from the Service of their Idols. These are fundamental Articles in all Religions: That the Worship of God should be continually attended, that Sacrifices and Praise should be offered at his Altar, without Intermission; and that the Hands of those who are to officiate at the sacred Rites, should be innocent and clean from the Blood of all Men. Therefore, since there were such Laws in being, and this later Statute must be so expounded as not to derogate from them, the Oath of Allegiance can not oblige us to handle Sword nor Spear, or fight in the Behalf of an injured and oppressed King.

And, if it do not oblige us to any actual Service, there is no clashing of Oaths; for it is not impossible to be patient, while the Competitors dispute it; nor does it imply any Contradiction for *Amyclas*, to sleep in his Cottage, while *Cæsar* and *Pompey* are ready to join Battle, and try for the Fortune of the World in the adjacent Fields.

But this will be thought to pinch the Prerogative too much, and reduce the Sovereign into an evil State; to leave him destitute of sufficient Means to subdue his Rebels, or resist the Force of any foreign Adversary; and expose his Kingdom as an easy Prey to any that shall have the Courage to invade it.

If this were a necessary Consequence, I should be ashamed of the Premisses; but there are Provisions enough for the Defence of the Crown and Realm,

* *Apost. Can.* 82.

† And by the Law we cannot be pressed. *Origen. cont. Cels. lib.* 8.

though

though these Principles were granted to be true. Though there be too many that pretend to the Office, and are of late endowed with the Liberties and Immunities belonging to it; yet all the Kingdom does not consist of Priests *de Jure*, or *de Facto*. Were all those who are in real Orders excused, there would be Hands enough found for all the Employments and Services of War. There are certain standing Guards, and a Militia settled by Law, in the Judgment of the great Council of the Land, sufficient for both the Purposes; at least, for ordinary Occasions. And if any extraordinary require an Augmentation and Increase of their Number, there never wants Men enough that are ready to embrace the Service. There are always too many in that indigent and necessitous Condition, that for Protection and present Maintenance would be glad of any Adventure. There are abundance of idle Persons, who, not willing to endure the Fatigue of a manual Trade, or other corporal Labour, will account it a Preferment to be attired like Gentlemen, and domineer in a Country Village, though once or twice in a Campaign, they hazard their Lives in a Fight. Some out of Stoutness of Heart, are pleased with the Sport; they seek occasion to signalize themselves by Acts of Valour, and to cut out a Fortune with their Swords; some out of Love and Loyalty to the Prince; and many, because they esteem it their own Interest to support the Government. For wise Men always, and Fools when they have paid for their Learning, will join together as one Man, to repel any that should invade his Dominions from abroad, and subdue all those who begin any Sedition, or offer to disturb and disettle his Affairs at home. All which mustered together, would make a formidable Army.

Or, if all these should fall short, he may make up his Levies with a Press. And then the Officers by their Oaths, as well as antecedent Duty, (and the common Soldiers at the Peril of Death) must not desert their Commanders, (which, to Men of that Quality, is a firmer Bond, than the Fear of Perjury, or Sense of Allegiance) are obliged to be true and faithful, and to stand and fall by him. We also fight with our spiritual Weapons, Prayers and Tears; with these we assault Heaven; and beseech God Almighty who is the Giver of all Victory, to cover the Head of his Anointed, to defend his Person that rules by Justice, and prosper his Arms that fights in the necessary Defence of a righteous Cause. Upon these Terms, the Sovereign is as safe as Laws, Privileges, or human Strength can make him. And had all Men in their several Stations thus discharged their Duties, I am persuaded that I had never been put to make this Apology for a second Oath of Allegiance.

2. *What we did oblige ourselves to by the Oath given to King* William *and Queen* Mary.

And because this is contrived in more general Terms, and so may seem to be more large and comprehensive than the former, or at least give occasion to more Doubts, I think it convenient to enquire, 1. In whose Sense it ought to be taken? 2. What that Sense of it is?

1. In whose Sense it ought to be taken? For although it be commonly received as a Maxim, and argued from as if it were a Principle beyond all Dispute, That it ought to be taken, or must oblige us to the Sense of the Imposer,

Impoſer, and the Satisfaction that he expects by it: I cannot let it paſs without Examination. There are two admirable Authors that affirm the quite contrary, *H. Grot.* and Biſhop *Sanderſon.*

The firſt ſays*, *in dubio magis interpretemur contra eum qui legem dedit*, and *lib. 3. cap. 20. §. 26. contra venditorem, contra eum qui conditiones elocutus eſt.* Where there is any doubt, it muſt be conſtrued to the Diſadvantage of the Lawgiver, the Seller, or any Man who ſpake or compoſed the Words, or drew up the Form of the Contract. The Biſhop ſays the ſame †, the Swearer may take the advantage of an Ambiguity, becauſe it behoved the Legiſlature to have taken care, that his Meaning had been ſet down in more plain and unexceptionable Terms.

The Style of an Orator (ſaid an eminent one ‖) ſhould be perſpicuous and clear; he muſt make uſe of common and ſimple Words, diſpoſe them in a natural and eaſy Order, that even the ignorant and unskilful might apprehend him. *Quare non ut intelligere poſſit, ſed ut non poſſit non intelligere, curandum.* He muſt take care to ſpeak not that the Hearers may underſtand him, but that they cannot miſtake him.

Much more is it incumbent upon Law-makers; and they ſeem to be conſcious of this, when upon all Occaſions, they muſter up ſuch a Number of ſynonymous Terms, or ſuch as amongſt which we can ſee but ſmall Diverſity. As in the Beginning of the former Oath, *I do truly and ſincerely acknowledge, profeſs, teſtify and declare.* They would not thus abound in Words, deſcend to ſuch minute Diſtinctions, but that they know it to be their Duty, to exclude all Cavils, and prevent every Fallacy, to block up the ſmalleſt Avenue, at which any, though never ſo ſubtle, that is not willing to be held, may make his Eſcape; and allow it as an undoubted Privilege of the Subject, to take the utmoſt Inch of that Liberty, of which they have not plainly debarred them.

To ſay abſolutely, that every Oath ſhould bind in the Senſe of the Impoſer, ſeems to me moſt irrational. All Words in the World are equivocal, may ſignify ſeveral Things; there may be Amphibology in every Sentence, and the Conſtruction of it made ſeveral ways, and the Impoſer may have ſuch Flights and Fetches, as a vulgar ſimple Capacity could not conceive or imagine. When the obvious and appearing Senſe contains nothing but what is innocent and agreeable, he may have ſuch a reſerved and ſecret Meaning as the Swearer would abhor, and by no means have digeſted, if it had been fairly expreſſed in Words at Length. And now ſhall his Soul be caught in this Snare, and he be perjured, if he do not act according to that unknown Altitude? This has all the Abſurdities of an implicit Faith, or ſwearing with an, *&c.* It leaves a Man no Security of promiſing any Thing, puts a Man's Conſcience into the Cuſtody and Power of another, who may throw the Guilt and Sin upon his Soul, in ſpite of all the Sincerity and Innocency of his own Intentions.

* *Grot. de Jur. Bel.* 3, 23. §. 12.
† Caſe of Eagag.
‖ *Quintil. Inſt.* 8, 2.

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It would be of as ill conſequence, to leave this Liberty of Interpretation entirely to the Swearer, who by this Help might evacuate the Force of all Obligations. So that there could be nothing tranſacted between a Governor and his People, but all Society muſt diſſolve. And it will be a hard Matter to fix and divide the Right of Interpretation juſtly and exactly between them. But this, I think, will not be denied, that it is ſufficient to ſwear in that Senſe that I believe the Impoſer did intend, or would be content to be underſtood in. It is not impoſſible but there might be amongſt them a double Meaning; perhaps they might mince the Matter, ſo that the ſcrupulous might ſwallow it; and yet wiſh, that it would go down with others in greater Goblets. This I take to be certain, that God has given me Reaſon and Judgment, and appointed that to be my Rule and Guide; which can never certainly inform me what are the Thoughts and Deſigns of another, or what he may intend and mean; only this I may be ſure of, that I am perſuaded this is his Meaning.

This premiſed, I declare my firm Opinion to have been, That the Impoſers of this ſecond Oath expected nothing that was inconſiſtent with the former.

1. Becauſe moſt of them lay under the ſame Obligation to it, that we do. And that ſo many Perſons of Wiſdom, Integrity and Honour (though with a Mixture of ſome that perhaps deſerve no ſuch Character) ſhould deliberately contrive to perjure themſelves firſt, that ſo they might enſnare the Nation; no Reaſon, no Honeſty, no Charity will permit me to ſuſpect. In Scripture we ſometimes meet with Paſſages that ſeem repugnant to common Reaſon and Diſcretion, contrary to the Analogy of Faith, and to good Manners; but when we are ſatisfied, that cannot be the true and genuine Meaning, then we admit of any Criticiſm that will reconcile it with all thoſe. Let us deal here with the ſame Candor, and the Controverſy will be at an End. Reſolve that ſuch an honourable Aſſembly could deſign nothing ſo groſly wicked, and then there will never want Ways and Expoſitions to accommodate the Difference between the Oaths.

2. There are ſtrong Reaſons to believe, that they want no more in this than the other; for,

1. If he be acknowledged, by all the Advocates of the Cauſe, to be only King *de facto*; why it ſhould include more when referred to him, than it did to the rightful and natural Prince, is a Riddle, or rather a Thing ſo irrational, as nobody can ſuppoſe.

2. In the Preamble of the Act, it is called the Oath of Allegiance or Obedience. And from that, 1. I infer, that by Allegiance is meant no more than Obedience. 2. I ſhall prove, that this Obedience can be no more than paſſive Obedience.

1. I gather from the Order of the Words, Allegiance or Obedience, that Allegiance is no more than Obedience.

The Orator* does caution his young Scholar, *Ne fortiori ſubjungatur aliquid infirmius, ut ſacrilego fur, aut latroni petulans.* After he has accuſed a Man of Sacrilege, he muſt not add, or ſimple Theft, or any Word that may leſſen or extenuate what went before. Nor would only Sons of Art, but even

* *Quintil. Inſt.* 9. 4.

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the rudeſt Ears be ſenſible of the Abſurdity, if any Man ſhould ſo ſpeak. The Countrymen would be apt to ridicule a Judge, that ſhould condemn a Priſoner to be hanged or whipt. Who would be ſo fooliſh, if he underſtood the Degrees of Honour, to direct a Letter to Sir *Philip Sidney* Eſquire? No Man could think it Civility or Senſe, when he has ſaluted a Perſon by a better Title, to foiſt in a ſecond which ſhall recant and degrade him. When any Man does multiply ſingle Terms, and join them after this manner, it muſt either be, 1. Becauſe he thought the firſt intricate and obſcure, and would explain it by one of more familiar Uſe, but then the laſt muſt be of equal Value; or, 2. It falls ſomewhat ſhort of his Intention, and ſo would amplify it by another of wider comprehenſion; or 3. he has overlaſht himſelf a little, and offers another to correct and reſtrain it. In all which Caſes, the latter muſt be full Match for the firſt; and therefore in this place, Allegiance muſt ſignify no more than Obedience. But all this while I have gained no ground, if Obedience muſt be univerſal and active Obedience. Therefore,

2. This Obedience muſt be but paſſive Obedience. In a Kingdom thus conſtituted, where the King is to govern by Law, and the People ſo impatient of a few arbitrary Exceſſes; it cannot be thought that they have inveſted him with ſuch a Prerogative, that we ſhould all be ſworn to obey his ſingle Command. And if it be in Things only according to Law, that would be Obedience to the Laws, not to him. But whether to one or the other, indefinite univerſal active Obedience cannot be proper Matter of an Oath. The flattering Courtier, who moved to have it paſſed into Law, that whatſoever the King his Maſter did, ſhould be right and juſt, deſerved to be hiſſed out of the Society of wiſe and ſober Men; but this would be ſomething worſe; for we muſt either ſwear that it is ſo, or that we will obey if it be otherwiſe. This is a defying a human Power, aſcribing to it the divine Perfections; nay, in ſome meaſure, advances it above God himſelf, not ſo much as reſerving to us the Liberty of paying our Duty and Allegiance to him; active Obedience cannot be the Thing intended.

Amongſt the Eaſtern Nations, where Sovereignty was at the higheſt Elevation, Non-reſiſtance was all that was expected *. Elſe, in thoſe Days, when they did almoſt adore their Kings, *Teribazus* had not been ſo renowned for his Loyalty, of which he is celebrated as a ſingular Example; becauſe, that having his Sword in his Hand, and able to have made a good Defence againſt one that weened about to aſſault him; yet he dropt his Weapon, yielded his Hands to be manacled, as ſoon as he heard that the Aggreſſor had the King's Warrant to apprehend him.

But this does ſeal and confirm all. That the Judges, when the Oath has been tendered in their Courts, have admitted of theſe Explanations; been content with the Promiſes of Quietneſs: And neither King nor Parliament ever ſent them any Reprimand for it, or brought the Swearers to any further Teſt.

3. There are ſome Preſumptions, that in this ſecond Oath they might rather deſign ſomething leſs. A Slave that has been manumitted, may hire himſelf out for a Year, in both Caſes here is Maſter and Servant; but it does not im-

* *Plut. de Superſt.*

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ply the same Authority on the one Part, nor oblige the other to the same Subjection. A Widow takes Husband, who becomes a Father to her former Children; but they are not obliged to regard him in all respects as their natural Parent. Many times the same Words may be retained, and yet must necessarily suffer some Alteration and Abatement in the Sense.

All Languages are defective, have not Words justly adapted to every Thing, Relation and Accident; *Cicero** says, that the *Greeks* had no Equivalent for *Innocentia*; and *Seneca* †, that the *Romans* had none for ἀπορία, and *Quintilian* ‖ could not translate ἦθος; every Age produces strange Junctures and Occurrences, which whosoever would express must have recourse to Words that are already in use. But for as much as it must be the proper Name of another Thing, to which this new and anonymous Thing is not parallel; therefore must it depart in some measure from its old Signification, when applied to this.

HEre was a Case for which there was no Precedent; and it is plain, they were at a stand for want of Words adequate to it. The King was withdrawn, and the Nation left in such Disorder they knew not what to call it. They pitched upon Dereliction, or Abdication, not that either of these were commensurate to the State of the Business; but none could be found that came more home to it. They do not deny many Things to have been irregular and different from ancient Forms of Proceeding; yet they retain the same Names. A Convention, not summoned by Royal Writs, bears the Name of a Parliament; a Person, not our natural born Prince, is stiled a King; the Caution which they give this King, is called Allegiance: But all these, with some small Strain and Condescension from their true Importance. It troubles a Government to deviate from former Terms, and of ill Consequence to innovate even in Words. It was one Point of *Tiberius*'s Policy, *scelera nuper reperta priscis verbis obtegere* (*). This is certain, that though they had designed to moderate and abate something of the old Allegiance, they could not have given it any other Name.

2. Let it be remembered how many material Passages are left out of the Oath, as the Recognition of his just and undoubted Right, with which Allegiance seems to have a near Alliance. And as the Cause is manifest why that could not be continued, so it is palpable, that this Abstract, these few words which they have selected, cannot have all the force and effect of the whole. Unless we must suppose that the Parliament had espous'd the Principle of *Carneades*, that there is no such thing as Justice, no difference between right and wrong; or else, that the cancelling of a Book is the same thing with the demanding of a Debt, and *abrogamus* with *statuimus*.

3. Observe what account the present and modish Commentators have given of Allegiance. 'Infinite Numbers of Tracts and Pamphlets are every Day published and spread abroad, which labour to persuade us, that Allegiance is no more than Obedience to a King, while he rules according to Law; that in

* *Tuscul.* 3.
† *Ep.* 87.
‖ *Inst.* 5. 2.
(*) *Tacit. An.* 4.

many Cases it does not hinder from Resistance, and the like: Now, that these Notions are not disallowed, by the Law-makers themselves, seems probable.

1. By their constant Connivance at a Thing so notoriously known, and which it so much concerns them to punish and suppress, if they did not approve it. If it be well argued that the Court of *Rome* must have a secret liking of the seditious Doctrine of *Mariana*, and other Jesuits, because the Books have been published in some remote Catholick Countries without a Censure: How much more may we infer, that our Governors allow of such Measures of Obedience and Submission, when they are written by their most inward Favorites, their most able Champions; spread upon every Counter, and cried in every Street? What a Man sees, and yet shews no resentment at; what he hears, and does not reprove where he has Authority; he is supposed to ratify and confirm. *Numbers* xxx. 4.

2. Because it is for their Advantage and Interest, and that carries a strong Presumption of their Liking and Consent. When any Wickedness is committed, whereof the Author is uncertain, enquire to whose Account it turns, to whom the Benefit accrues; and you may conclude he did it. *Cui prodest scelus, is fecit* *. Now were the People convinced, that they were clearly absolved or disengaged from all Duty to their former King, they had gained a Point that would conduce more to their Settlement, than all their Preparations and Policies besides; and since these are the only Arguments or Suppositions that can make it good, they may well be thought willing that this should be the Standard of Allegiance.

After all this, some will still urge, that this reduces it into Atoms, makes it but a noble and empty nothing. Or, that this will not secure them from their Enemies without Assistance, and then it is but mere Delusion.

If it do not afford them all the Satisfaction and Assurance that they could wish, yet if it yield as much as the Matter will bear, it is not to be condemned. Yea, perhaps this conduces most to their Peace and Safety.

1. Because if they should insist upon any further Demands, and require not only Patience and Submission, but active Service and Assistance, it would make a dangerous Rupture; compel a Multitude of considerable Persons openly to dissent, and to study and labour for another Revolution; who now would sit down quiet, and as *Photinus* advises *Ptolemy*, *Fatis accede Deisque* †; so these would yield to the Torrent, and commit all to the Providence of God.

2. To carry those to fight against a King *de Jure*, who were obliged to him by Oaths and all the Bonds of Allegiance, is to shew an ill Light, and give a dangerous Example against themselves. For the same Persons when the Wind turns, may think that they have as good Warrant to rebel against any other to whom they have sworn it. They would frustrate the Oath that is made to themselves, if they would have us to believe, that to bear Arms against our late Sovereign is no Breach of Allegiance. Should they be taught that this is no Violation of their Faith to him, they would scarce apprehend that it could be a more strong or insolvable Bond to their most gracious King and Queen.

* *Senec. Med. Act.* 3. † *Lucan, Lib.* 8.

3.

3. They will need no active Assistance from us, for they will find other Hands and Instruments to maintain their Possessions, and defend their Crown and Dignity. If they suppose, that Allegiance does oblige Men to act and fight in the Behalf of their Sovereign, it can never be fit for them to employ, either those who take the Oaths, or those who refuse them, in any Action or Design against him. A Traitor can never be trusted, and he that has been false to his natural Lord, will never keep Faith with a Stranger: And he that will be true, can be no Friend to a violent Intruder. They can put no confidence in either of these, but must strengthen themselves with foreign Aids and Alliances. Bands of mercenary Soldiers must be introduced to do the Execution, if we will be but quiet Spectators of the Quarrel. So that this negative Notion of Allegiance, contributes more to their Safety, than a larger would do.

But let the Composers, or Parties concerned, intend what they please; he that, to clear the doubt, does declare to the Magistrate that he would only be understood of Patience and Submission, is in Conscience bound no further than his own Declaration.

Let it not be said, that I must be supposed to take it in the publick Sense, maugre any Addition or Explanation of mine. For Words do but signify by Contract; and oblige me to make them good in no other sense, but that, wherein he with whom I treat and confer, and I have agreed. And if Men please to correspond by Cypher, and to the Intent that Strangers may not attain the Secret, will covenant that Allegiance should stand for Rebellion, and Religion for Atheism or Impiety; after this he that should use them in their common Acceptation were a Cheat and a Liar. *Nero* would sometimes command those that had offended him, to die at an Hour's Warning; and if they made any hesitation or doubt to dispatch themselves, sent a Physician to cure them. *Ita enim vocabat venas mortis gratia incidere**. Now had this Confident of his performed the Command according to the Letter, and by wholesome and seasonable Applications, stopped the Blood and restored the Life of the languishing Disfavourite; he had plainly falsified with his Master. Or if this Instrument of his, had given the Emperor Notice, that if he were dead, the Sign should be that he is recovered; he was no Deceiver, if the Emperor would not so understand him. Truth requires no more, but that I do my endeavour to invest my Meaning in such Language, that the Party may know the real Thoughts and Purposes of my Soul. And if he will misunderstand me, he deceives himself. The Governors, in this case, may question whether I have fulfilled the Law; and if not, they may still inflict the Penalty, and proceed to deprive me; but can with no Colour charge me with Falshood. I dealt faithfully and clearly with the Bench; but whether they did so with the supreme, when they accepted of the Declaration, let those who are more concerned, dispute.

3. *Whether the Obligation to the first may not be thought to cease, or expire, before the other was superinduced?*

When the Expressions are most absolute and positive, there must be several covert Conditions implied, even in Oaths themselves. To set down all the

* *Sueton. Nero* 37.

Cautions and Reſtrictions, or all the Circumſtances wherein they ſhould be reputed invalid is not poſſible; for as no human Prudence can foreſee all Events, ſo no Art can provide Laws, or invent inexorable Words that will be equitable upon all Emergencies and Occaſions: Nor is it practicable, for the poſſible Accidents are ſo many, that it would ſwell the Oath of Allegiance to a vaſt Book of Conſcience; ſo many Diſtinctions would make it rather intricate to many Capacities, and immemorable unto all; it would trouble all Tranſactions, perhaps give the Captious more Advantage to elude it, and ſcarce allow Space in the Courts to adminiſter it. It is neceſſary therefore it ſhould be ſummarily expreſſed; but it is as neceſſary that there ſhould be many Reſervations underſtood. Now, that poſitive Oaths muſt have ſome Implications, the Caſuiſts prove from the Example of *Solomon*, *He ſwore that he would not ſlay* Adonijah, 1 *Kings* i. 51, 52. and yet *Cap.* ii. *v.* 20, 22. *he ſwore* Adonijah *ſhould die*; between which, if no Condition was underſtood, there is evident Contradiction: But the Nature of the Thing makes it apparent, that the firſt Promiſe was upon a tacit Suppoſition, that he ſhould attempt nothing againſt the Government, or elſe his Pardon to be void. *Ariſton** in *Herodotus* perſuades his intimate Friend and Companion *Agetus*, to enter Articles in a Frolick, and confirm them with an Oath, to grant to each other any one thing that they requeſted: *Agetus* pitched upon ſome precious Utenſil, and that done *Ariſton* demanded his Wife. Does any Man think that *Agetus* was bound to perform? *Dymnus* makes *Nicomachus* ſwear†, that he would never diſcover that Secret which he was about to commit to him; then he declares a Conſpiracy againſt *Alexander*, which within three Days was to be put in Execution; *Nicomachus* honeſtly and conſtantly denies, that ever he gave his Faith to conceal a Treaſon. The Oath of Allegiance is liable to Exceptions, as well as any other. *Trebonianus*‖ ſwears to pay Homage and Acknowledgment for his *Villa* of *Ramola*, and all the Royalties of *Panizza* to his Landlord *Calender*, but if the Land or Poſſeſſions be aliened, or ſwallowed up in an Earthquake, or drowned in the Sea, he is not bound to pay for that which is not. What is it that excuſes theſe but Equity? And wherever there is equal Reaſon, there is equal Diſpenſation.

This, I ſuppoſe, will be allowed, *Si is ad cujus utilitatem ſpectat eam nolit, non tenebitur qui juravit* (*). The Swearer is acquitted, if he to whom the Right accrues will not accept, or is content to relinquiſh. *Quilibet poteſt renunciare juri pro ſe introducto.* Any Man may wave or reſign an Intereſt, to which he hath the moſt undoubted Right. King *Charles* the Second makes Sale of *Dunkirk*; his Anceſtors, upon ſeveral Treaties, have articled to ſurrender ſeveral Towns and Counties to the King of *Scots*. And though the Inhabitants might be his ſworn Subjects, yet being thus aliened and abandoned by him, are releaſed from their Allegiance. And as in a Part, ſo in the whole, for if *Diocleſian* and *Charles* the Fifth retire, and will not act in the Affairs of the Empire, the Subjects are not to be blamed, that ſubmitted themſelves to others.

* *Erato, Cap.* 62.
† *Q. Curt.* 6. §. 7.
‖ *Duct. dubit. pag.* 271.
(*) *Grot. de Jur. Bell.* 13. §. 18.

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That this was the Caſe, we have the Teſtimony of two Houſes of Convention, who reſolved it upon a mature Debate, and upon that Foundation laid all their After-proceedings. If it was not altogether voluntary, becauſe the abſenting of his Perſon might be the Effect of a juſt Fear, yet the Stop put to the Adminiſtration of Affairs ſeems to have been done with more free Conſent; he could not be compelled to carry away the Seals. All was done with an unwilling Willingneſs; but if that would nullify it, no Alienation could be valid. When a Prince delivers up, in purſuance of a Treaty, ſome Town or Country upon the Frontiers of his Kingdom, it is only becauſe he is diſtreſſed; and, were it not to prevent or compoſe a Quarrel, which he fears would be more fatal to him, would never have reſigned it. And, truly ſpeaking, a Man cannot be neceſſitated to do any thing. That which we call ſo, is but ſome hard Choice, when we prefer a leſs before a greater Miſchief.

But this I would not urge too far. If it be otherwiſe, the Impoſers have only deceived themſelves. For a Promiſe upon a Miſtake, or an Oath upon the Preſumption of a Thing that is not, leaves no Obligation. *Titius* and *Sabina* come to Church to contract Marriage, but when the Bridegroom has repeated his Part, the Damſel, upon ſome ſudden Inſtinct or Repentance, does finally refuſe to ſay the Counterpart. Will any Man ſay that *Titius* is now become a Huſband without a Wife? The Vow was of no Force, becauſe the Suppoſition failed upon which it was grounded; that his Spouſe would have plighted her Faith to him afterwards. Upon theſe Foundations I raiſe this Concluſion, That there is no Inconſiſtence between the two Oaths: For if the Matter of Abdication be true, the firſt is void; and if it be falſe, the latter.

Suppoſe it to have been pure Force or Compulſion, if I might call that a Conqueſt, there would ſpring new Solutions. But becauſe the Conſequences to which that might be improved, would be too formidable upon another account, I let go the Advantage.

However, it is certain, there was a Diſſolution of Government. The Fountain once ſtopped, the Stream does ſoon dry up; all ſuch as he left in Authority refuſed, or were afraid to act; ſo that here was a perfect *Interregnum*, or pure State of Nature. How would the *Leviathan* have ſmiled, to have ſeen his *Chimæra* real?

Things ſtanding thus, it was abſolutely neceſſary, there ſhould be ſome Government eſtabliſhed. Anarchy is as much to be abhorred as a *Vacuum* in Nature, to avoid which, every Body makes haſte to leave its Station, and moves contrary to the Laws of its particular Being, leaſt the Sides of the Univerſe ſhould crack, and fall, and with its Weight cruſh every Creature. So, to fill a vacant Throne, and ſave a Kingdom from Confuſion, Men may break through all Impediments, and the moſt ſacred Bonds muſt relax a little. All Principles of Religion and Juſtice muſt bow to this, That there muſt be Government.

And if that be neceſſary, ſo are all thoſe Means without which that cannot be attained: * *Quando lex aliquid alicui concedit, concedere videtur & id, ſine*

* *Cook, Inſt. ad Sect.* 68.

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quo res ipsa esse non potest. And therefore it was necessary, that the sovereign Power should be lodged in some Body that might see to the Execution of Laws, and the Administration of all Affairs. It was as necessary they should pitch upon the Person; who, if he had not received it by Votes, might have claimed by a higher Title. There is no room for a Debate, whether they shall chuse a Candidate, who, if repulsed, is able to take all that we deny, and more. *Cornelius* went to the Senate, and, in the Name of the Army, demanded the Consulship for *Augustus* *; while they demurred, he laid his Hands upon his Sword, and said, If they would not make him Consul, that should.

I know it will be thought this was not necessary, because there was another and better Expedient; it had been but recalling the King, and then all Things would have run in the right Stream. But this was not possible. If the Majority did not like that Motion, what could baffled Loyalty do more? Such must needs fall in with the rest. *Fit temeritatis alienæ comes Spurinna, primo coactus, mox velle simulans*——†. Or, if all the Convention should have invited him back, there was no Probability that he would have returned, while the same Rub was in the way which caused him to withdraw; and who had the power to remove it?

If a Governor was necessary, so was it that he should be King; not only to indemnify all that had or should act, but to fit the Frame of our Laws, which are composed like *Lysia*'s Speech (*); you cannot alter a Word, but you will spoil the Sentence. There can no other Title be substituted in its Stead, which will cohere with all Cases and Occasions.

It was necessary this Governor should be submitted to, and warranted against all unjust Pretenders; and secured from those who enjoyed his Protection, yet this could be called by no other Name than Allegiance. Nor could the Laws have taken hold of an Offender in that Point, under any other Notion.

Many Things seem harsh and unjust, when we look at the last Act only; which would change their Aspect, if we would begin at the Bottom of the Cause, and follow it by the same Steps it advanced. The Stories which *Suetonius* reports of *Nero* and *Claudius*, did seem to a learned Lord (†) fabulous, and beyond all Belief; but when he met the same Actions in *Tacitus*, invested with Circumstances of Times, Persons and Inducements, they were not improbable. These Proceedings, and this Allegiance at which we boggle, could not appear so horrid and strange, if we would take our Stand a while at the Necessity of Government, and see by what a Series of Necessities they were led to the Top and Crown of all. For, *Necessitas non habet Legem.*

* *Suet. Aug.* 26.
† *Tacit. Hist.* 8.
(*) *A. Gel.* 2. 5.
(†) *Bacon, de Aug. Scient.*

The APOLOGY of the Duke of LAUDERDAILE.

IT is a hard Task to satisfy (even Friends) against the Slanders, which Ignorance or Malice may easily throw upon the greatest Innocence; and although I hear that I have had a large Share of the Persecution of Tongues in and about *London*, in Coffee-Houses, and elsewhere, these divers Months past; yet I shall not endeavour at this time, so much as to satisfy my Friends in all the Particulars that I hear; which, I hope, I shall be able to do in good time, and so clearly, that I may easily undeceive all sober and unbiassed Men. But, one Thing, I hear, is talked, and of so horrid a Nature, and yet so groundless, so impudently false, and so easily disproved, that I cannot forbear a Moment to demonstrate my Innocence to my Friends. I hear it hath been said at *London*, that I was a great Cause and Promoter of the late King's Murder, bringing up a Declaration from *Scotland*, which was made the Ground upon which they proceeded to the Murder; and that I was one that had furthered that horrid Act. This is so monstrously false, and so groundless, that I need say little to my Justification; for it is well known to the King, and many Thousands, how faithfully and how diligently I served the last King all that Year 1648, and what my Persecutions and my Sufferings were from the King's Enemies, both in *England* and in *Scotland*, from that Year even to his Majesty's happy Restoration. Yet it shall not be enough for me to prove, that that Accusation is false; I undertake to demonstrate, that is utterly impossible.

I waited upon the last King at *Carisbrooke* Castle in the Isle of *Wight*, with *William* Duke of *Hamilton* (then Earl of *Lanerick*,) and the late Earl of *Lowdon* (then Chancellor of *Scotland*;) we carried a Protestation in the Name of the Kingdom of *Scotland*, against the four Bills, which were at that time imposed upon the King by the two Houses of Parliament. We did then, at *Carisbrooke* Castle, receive the King's Commands for engaging *Scotland*, and raising of an Army for his Delivery and Restitution. We came thence to *London*; and in *January* 1647, (according to the Account of *England*,) we parted from *London* towards *Scotland*, where we arrived in the Beginning of that *February*. Now, if ever I saw *London*, or any Place near it, from that *January* 1647, (according to the Account of *England*,) until the second of *October*, 1651, on which Day I was brought a Prisoner to the *Tower*, after *Worcester*, then I do willingly submit to the Infamy, Guilt and Punishment due to the Accusation; which should be more bitter to me than the cruellest Death, and Attainder of me and my Family. This, I hope, proves the utter Impossibility of my bringing up such a Declaration.

My next Task must be, to demonstrate as great and absolute an Impossibility, of my having any Accession to such a Declaration in *Scotland*, (if any was made and sent to the Rebels in *England*:) I came to *Scotland* (as I told you) in *February*, 1647, there we began the late King's Service, the engaging

Scotland

Scotland for him, and the raiſing of an Army; but very ſoon we found the Oppoſition of them, who called themſelves the *Kirk* Party. The Earl of *Lowdon*, then Chancellor, abandoned us, and joined with that Party; yet *William* Duke of *Hamilton* (then Earl of *Lanerick*) and I, carried on the Buſineſs.

The late King, of bleſſed Memory, commanded Sir *Marmaduke Langdale*, Sir *Philip Muſgrave*, and Sir *William Blackſton*, to correſpond with, and take Meaſures from the Earl of *Lanerick* and me; and we correſponded with them conſtantly under the Names of *John Read* and *William Black*. This Sir *Philip Muſgrave* can teſtify; as alſo *Arthur Barclay*, yet alive, and now a Gentleman of the King's Privy Chamber, who was conſtantly a Meſſenger between us.

Moſt of the Nobility and Gentry joined heartily in the Engagement, and ſo did the People, in ſpite of all the Thunderings of all the Pulpits againſt us; and the Army drew to a Rendezvous in *July*; and then was I commanded by all that was in Power, both in *Edinburgh*, and the Army, to go to *Holland*, to invite his Majeſty that now is (then Prince), to come and command the Army that was raiſed for his Father's Service. I embarked on the 4th of *Auguſt*, 1648, and waited upon his Majeſty in the *Downs*, where he then commanded his Father's Fleet. There we got the News of the fatal Defeat of the *Scotch* Army under *James* Duke of *Hamilton*. I ſtayed with the King about three Weeks in the Fleet, and then waited upon him all that Year. That Winter the King deſigned to ſend me into *Scotland*, for his Service again. I procured a Paſs from them in Power in *Scotland*, to come to *Scotland*, upon pretence of ſettling private Buſineſs, and to remove out of it again. As ſoon as my Paſs came, the King ſent me at *Chriſtmas* into *Scotland*, with Inſtructions, which none knew but his Majeſty and the late Prince of *Orange*, who gave a Man of War which tranſported me thither. As ſoon as I landed, I found, that thoſe who after the Defeat of the Army had uſurped the Power, and then proceeded with great Violence againſt all thoſe who were joined in the Engagement, and moſt particularly againſt myſelf. I found that *William* Duke of *Hamilton* (then Earl of *Lanerick*) was confined to his Houſe; and that both he and I, with many other Perſons of Quality, were turned out of all Employments, and declared incapable of all Publick Truſt; and that I had been fined, and my Tenants ruined; yet truſting to my Paſs, I went to *Edinburgh*, where ſome of my Friends ſaw me; but I was very far from being either willing or able to meddle with any Judicature. I ſpoke with the Duke of *Hamilton*, and at my Return I found that *Scotland* would quickly be too hot either for him or me: For the Rebels in *London* having heard from *Holland*, that I was ſent in a Man of War to *Scotland*; they preſently took Jealouſy, and diſpatched one *Roe* to their Friends in *Scotland*, to demand the then Earl of *Lanerick* and me, to be delivered to them As ſoon as theſe Letters came to *Edinburgh*, a private Committee was called; and though the Earl of *Caſſel*, and Lord *Balmerinoch*, (both dead) did plead the Faith that they had given to me in their Paſs; yet they perfidiouſly reſolved to have delivered me; but the Lord *Balmerinoch* gave me timely Warning: So I fled in the Night for my Life, and I brought away my Lord of *Lanerick* out of his Reſtraint; and ſo both of us went aboard

of

of my Ship, and ſailed to *Holland*. From the *Low-Countries* we ſtirred not, until we waited on his Majeſty in *June* 1650. What Declarations were made in *Scotland*, or ſent to the Rebels in *London*, for countenancing the late King's horrid Murder; or whether any ſuch was, or no, I cannot determine? Nor is it my Buſineſs to juſtify thoſe that were then in Power, (who, I am ſure, were my Perſecutors and Enemies;) but, I am ſure, I have demonſtrated, that as it was utterly impoſſible that I could have been the Carrier of ſuch a Declaration from *Scotland*, ſo it is impoſſible that I could have had the leaſt hand in carrying any ſuch Delaration: And if I ſaw *Scotland* from the 4th of *Auguſt*, 1648, until *June*, 1650, (excepting thoſe few Days when the King ſent me thither, and from whence I fled for my Life) I ſhall acknowledge the Guilt; or, if ever I meddled in any Judicature of *Scotland*, Civil or Eccleſiaſtick, from the 4th of *Auguſt*, 1648, till after the King was crowned in *Scotland*, then let me ſuffer any Puniſhment.

From the Collection of Sir Thomas Robinſon, *Bart.*

An Account of the Affairs of *Scotland*, relating to the Revolution in 1688; as ſent to the late King *James* II. when in *France*. By the Right Honourable the Earl of *B*------

[*From the Collection of Sir* Thomas Robinſon, *Bart.*]

INTRODUCTION.

THE Publiſhing ſuch nice Things, as the Memorials of Miniſters of State, as they are many ways uſeful and very advantageous to the Publick; ſo they are of a Nature ſo particular, as to require ſome neceſſary Explanations on behalf of the Editor.

The Memoirs here publiſhed, are of this Kind; the Writer, as is uſual in ſuch Caſes, ſpeaks in the firſt Perſon, and treats the Characters of the Perſons he writes of, with a Freedom which nothing can excuſe.

It is the Editor's Opinion, that this is no Reflection on the Gentlemen named; nor is it publiſhed with that Intent. It is no new thing for the Inſtruments of the Male-Adminiſtration of that Reign, to brand thoſe who aſſiſted in depoſing King *James*, and bringing on the Revolution, in the moſt odious and the moſt opprobrious Terms; this we always eſteemed a Reputation, rather than a Reflection; nor have the injured Gentlemen failed to be Gainers by it, the Scandal of it falling always upon their Authors, not upon the Object.

The Matters treated of here, are ſuch as relate in particular to the carrying on the Jacobite Cauſe in *Scotland*, and lets us much into the ſecret Hiſtory of thoſe Times immediately after the Revolution, and of the Tranſactions

within Doors, as we may call it, among the Favourers of the late King *James*, and the Reader will be diverted with a great Variety of Tranſactions, and that by Perſons who we have ſeen act in a quite different Sphere ſince that time, and that with an undiſputed Vigour and Fidelity.

Let no Man think that it will leſſen our juſt Eſteem for the Characters of the ſeveral Perſons of the firſt Rank, to ſay of them, That they were not at firſt in the Secret of the Revolution; ſome had no clear Notions of tranſpoſing their Allegiance from the Perſon of the Prince, and ſtuck cloſer to the Opinion of the divine Right of a Succeſſion in the Line, than others did: Some ſtruggled with Scruples about the Oath of Allegiance taken to one King, and of its being indiſſolvable, but by the Death of the King to whom it was ſworn: Others were under perſonal Obligations to the King, and the like; ſome one thing, ſome another; each Conſideration, while it laſted, prevented the Perſon coming in till thoſe Obſtacles were removed; and yet we have found, by good Experience, that when thoſe Gentlemen had ſatisfied themſelves and come in, they have acted ſince with all that Fidelity, Uſefulneſs and ſteady Loyalty, that can be imagined; and come up to a Zeal equal, if not ſuperior, to thoſe who were more early in the Caſe.

Thus in *England*, the Earl of *Nottingham*, and ſeveral others, proteſted againſt King *William*'s coming to the Crown. The late Earl of *Godolphin* adhered to King *James*, and was one of the three who King *James* ſent with Propoſitions to the Prince of *Orange*, to know what were his Demands? His Grace the Duke of *Somerſet* was ſome Years before he came into a full Concurrence with thoſe Times, yet no Man doubts now the Sincerity of all theſe noble Perſons in the Intereſt of their Country; and we now ſee them, or moſt of them in Places of the higheſt Truſt in the Kingdom.

In *Scotland* it was the ſame thing; nor will all that is ſaid or ſuggeſted here of his Grace the Duke of *Argyle*, and the Lord *Roſs*, and others, to be able to deface the Records of all the great and illuſtrious Things which they have ſince done in the publick Affairs, wherein they have ſhewed, and eſpecially at this time, to the preſent Government, a ſincere Zeal and Affection for the Proteſtant Religion, and for the Laws and Liberties of their Country.

It is no wonder that ſuch Men ſhould be traduced by every Author who writes in the Cauſe of an arbitrary and Popiſh Government, with whom it is not the Crime of theſe great Perſons that they acted or concurred at all; but that they acted no farther, and that when they ſaw their Deſigns, they abandoned the Jacobite Intereſt, and came in ſincerely and effectually to the Revolution Principle; nay, it may very juſtly be ſaid of theſe Men, and of his Grace the Duke of *Argyle* in particular, that the vigorous Steps they have taken ſince that time, even above others, in the Proſecution and Settlement of a Proteſtant Government, have abundantly made amends to their Country for their not coming ſo early into thoſe things, as ſome other Men might do.

Upon theſe Accounts it is, that the Publiſhers of theſe Memoirs give this neceſſary Caution, as well to clear themſelves from any Reflection in the Publiſhing, as to guide the Thoughts of the Readers to do juſtice to the Characters of ſuch honourable Perſons, who they ſhall find the Author falls upon in this

this Book, and that they may distinguish between a Jacobite Writer giving a partial and unjust Account of Persons to King *James*, and a faithful Historian stating Things to the World, as their Consequences make them appear.

In the mean time, the Publication of these Memorials will be found very useful, to let us see in what Posture Things stood at that time; what the Designs of King *James* and his Party was, if they had prevailed; and who they were, who carried on those Designs for him; and this, in short, is the true End of the Editors hereof in making them publick.

A brief Account of the State of *Scotland*, &c.

BY this, which I humbly offer to your Majesty, I am far from pretending it is an extant Relation of all that has happened these six unhappy Years.

All I intend is to give you a short View of your Affairs in *Scotland* since the Beginning of the Revolution, that your Majesty may know when you attempt the Recovery of your just Rights, whom you may rely on; for all these that has kept firm to their Duty, after so long and severe a Trial, you may safely depend on; and these that appeared at first against you, and now pretends to be in your Interest, having missed what they expected by this Revolution, you may be persuaded nothing will ever make them throughly so, but a sufficient Force: I shall say nothing in this out of Partiality, nor any thing that is not consistent with my Knowledge, and cannot be denied by these I write of, there being so many Witnesses alive, who can assert the Truth of all I shall offer to give your Majesty an Account of; which I pretend I may do as justly, tho' not so correctly, as any of your Majesty's Subjects, who have had the honour to be intrusted by your Majesty with so much, before this Revolution, or was so deeply concerned in the unsuccessful Attempts that has been made for your Service.

How Discontents and Jealousies began, and disturbed the happy Peace the Nation was in after the Defeat of the Duke of *Monmouth* and Earl of *Argyle*: I cannot give your Majesty so good an Account of it, without going a little back, and letting you know the Reasons that were given for them.

The first Symptoms of Discontent appeared in *Scotland* after the Restoration of the King your Brother, was in the Earl of *Murray*'s Parliament, for I reckon not the two tumultuous Risings, in the Western Fanatick Countries, nor the Jarrings of Duke *Hamilton*'s Party, as being nothing National, but to the contrary; for these were rather means to shew the Concern and Affection of all the other Parts of the Nation for the King's Interest, wherever that came to be debated by his few insignificant Enemies.

Never King succeeded to a Crown or Throne more with the Love and Esteem of his Subjects than your Majesty did, generally to all *Scotland*, of all Professions; nor could any thing have disturbed your happy Reign, but the Jealousies and Fears that was industriously spread abroad, as if you had designed, by giving a general Liberty of Conscience, to ruin the Religion then

eſtabliſhed; if that had not been too much believed, and the Fears of again encouraging by ſuch a Liberty, the Fanaticks, then almoſt intirely ruined, there would have been few that would have refuſed to comply with all your Majeſty's Demands in that Parliament; but the Fears in bringing back the Fanatick Party then ſcattered through the World, that were always lying in wait, for every Opportunity, to ruin the Monarchy, and all thoſe that were faithful in it, made even your faithfulleſt Subjects comply but with an unwilling Mind, conſidering that ſuch a Toleration would again ſet up a Party that had coſt ſo much Care, Time and Treaſure, to deſtroy.

The Earl of *Murray*, not ſucceeding in that Parliament, becauſe of theſe Apprehenſions, and his ſmall Skill in managing ſuch an Affair, where there were ſo many Intereſts to unite your Majeſty, diſſolved that Parliament, and iſſued out a Proclamation of Indulgence and Toleration to all Perſuaſions.

This put the Epiſcopal Clergy in ſuch a Rage, that they could not conceal it, neither in Diſcourſes nor Pulpits; and the Presbyterians grew ſo inſolent with it, that the Letter your Majeſty wrote to them then at *Edinburgh*, wherein you told them your Predeceſſors had been ſevere, and ruined ſeveral of them, but they might be confident of your Protection againſt all their Enemies.

This, and the Earl of *Melfort*'s employing *James Stuart* to draw moſt of the publick Papers ſent down, who was known to be a profeſſed and inveterate Enemy to the Crown and your Order, made the Epiſcopal Clergy at that time ſay, and do many things, which afterwards they heartily repented when it was too late; for their Diſlike of the greateſt Part of the Nation, and their Jealouſy, misfortunately meeting with the inveterate Malice of the Presbyterians, gave the greateſt Advantage could have been wiſhed for, to the unbounded Ambition of the Prince of *Orange*; for nothing ever made him make ſo bold an Attempt, but theſe Diviſions, and the Jealouſies that were induſtriouſly ſpread abroad, few being ſatisfied.

The Epiſcopal Clergy, or Party, out of fear to loſe what they had long profeſſed, and though the Presbyterians for a few Months firſt after the getting their Liberty ſeemed ſatisfied, yet ſome grew as malicious as ever, being diſappointed of getting the Government into their Hands, as they hoped, and a Revenge on their Enemies.

The Order your Majeſty ſent down, commanding all in any Office, either Civil or Military, to give up their Commiſſions, and take up new ones, without taking the Teſt; this made all Employments liable to ſeveral Penalties of the Laws, and occaſioned a great Conſternation: But not near to what by another Order, all in Employments were commanded to take out Remiſſions for breaking of the Laws, which they had done by your Majeſty's Command, by which they thought themſelves ſufficiently warranted, as may appear by a Letter the Council ſent to your Majeſty; wherein, not only they, but the Judges gave it as their Opinion, That your Majeſty giving a Commiſſion, was ſufficient to hinder any being liable to the Law, eſpecially conſidering, that the Penalty was due to your ſelf; but notwithſtanding of this Advice, a ſevere Proclamation was ſent down by the Earl of *Melfort*, That all ſhould take out theſe Remiſſions in three Months, and pay for them three Pound Sterling

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to himself, and twenty Pounds to *J*—— *S*——, who was to give them out, and such as did not take them out, to be pursued for Breach of Law, and be rendered incapable for ever thereafter, of your Mercy; this was thought very hard, even by the loyallist of your Subjects to be paying for such Remissions, and especially to be giving so much to Mr. *Stuart*, that had but some Months before got a Remission for plotting and contriving against your Majesty and Government, and was generally believed at that time, by all that wished well to your Majesty's Government, to be underhand betraying it; nor has their Apprehensions been false, for since the Revolution he has bragged to Hundreds, that he gave several Advices, designedly to ruin it, and to advance the Interest of his Friends.

When first this Order was read in Council, all were silent; but the next Day a Representation was sent up to your Majesty, both by the Council and Secret Committee, to shew how inconvenient it would be if such an Order were proclaimed, nor was there any Man more against it than your *Chancellor*, and those you trusted most.

Your Majesty was pleased, on these Representations, to discharge its being pressed; but it gave such bad Impressions of some who was employed, that nothing will ever take it off; and it was generally believed, that nothing but your Majesty's own Goodness could have hindered a thing that would have been so advantageous to the Contrivers, though dishonourable to all that served you; nothing vexed the Episcopal Clergy more at that time, than to see some Fanaticks put both into Counncil and Session; but all these Discontents were but like smothered Fire, until the Birth of the Prince of *Wales*, which afterwards broke out more violently; for after that, several of the Episcopal Clergy were so far misled, that they left off, in a few Weeks, the praying for the Prince of *Wales*, and were so apt not only to believe the most calumnious Reports of that time, but to insinuate in their People Fears of Popery and arbitrary Government, which did no small Prejudice, and made many, that have appeared since of a far different Temper, extremely satisfied at the Noise of the Prince of *Orange*'s coming over; being so weak as to believe he had such an Attempt only to secure the Laws, and relieve them of their Fears: but these Discontents of the Episcopal Party, though they cannot be justified, yet they proceeded from Jealousies more than from any ill Design after your Majesty's Government; but the Presbyterians being encouraged from their Friends in *England*, and the Rebels who fled into *Holland* growing then more insolent than ever, being put in hopes again, by another way, of getting entirely the Government in their own Hands, and a Revenge on their Enemies, which were the two Things they so long wished to have an opportunity for, but would never have attained the same, if the Indulgence granted them, had not brought them together from the *West-Indies*; so that they appeared in far greater Numbers than could well have been believed to be yet remaining after so long a Tract of Discouragement. They not only were joined together, but many that never were of that Profession before, joined with them, as all the Discontented of the Nation has ever done since the Revolution, making Religion always the Pretext of gaining their other Ends.

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The Jealouſy of the Catholicks did not a little heighten the Diſcontents of both theſe Parties likewiſe; and tho' they were not ſo afraid of them as of each other, becauſe of their ſmall Number, yet with very uneaſy Eyes, they beheld them coming into the chief Poſts, both in Civil and Military Employments; and the Preſbyterians, by the Liberty granted to all, had their Share, and were alſo admitted into Employments which they never had before, but when Neceſſity compelled former Kings; yet they were ſo far from being thankful for it, that both in their Pulpits and Converſation, they openly declared they thought themſelves nothing obliged to any Toleration they had, it being given to introduce the Catholicks, and ruin Proteſtants among themſelves; nor were theſe Jealouſies and Apprehenſions only among the Clergy.

For after your Majeſty had given Warrant to the Chancellor, Viſcount of *Tarbut*, and myſelf, to enquire of all the Officers of State, Judges, and Officers of the Army, their Opinion and Conſent, for taking off the Penal Laws and Teſts; moſt of them, tho' they conſented to it, yet had ſuch a cruel Apprehenſion of other Things farther to be preſs'd upon them, that it made them extremely uneaſy; and the turning out of Sir *George Mackenſie* from being your Advocate, and the Lord *Harruſs* and *Edmiſtoun* from the Seſſion, for refuſing to conſent to what was offered, heightened extremely the Humour, for they were eſteemed of the greateſt Integrity and Learning of that Judicatory, and it ſeems not without Reaſon, for tho' they were humourous in that, yet after, and ſince the Revolution, they have behaved themſelves exactly well, and refuſed the Offers of Employment which was made them.

Except for theſe Fears and Jealouſies that was ſpread like a Plague through all the Land, and the too covetous taking of Money by ſome of your Servants (but that I will not meddle with, being reſolved to ſay nothing here but what conſiſts with my own Knowledge) all other Things in the Government were as eaſy, and managed with as much Juſtice as was ever known in any Age; for never was a Treaſury and Exchequer more favourable in all Sorts of Compoſitions, which your Majeſty allowed us to do; nor was there ever before, in the Council or Seſſion, more Juſtice and quick Diſpatch of Buſineſs, nor Soldiers better paid, and with leſs Trouble in the Country, which the worſt of your Enemies muſt acknowledge.

In this Condition was the Kingdom till *September* 1688, when your Majeſty ſent down an Expreſs to your Secret Committee, which conſiſted of Seven, *viz.* your Chancellor, Marquis of *Annandale*, Viſcount of *Tarbut*, Archbiſhop of *Glaſgow*, Sir *George Lockhart* and myſelf, to let us know you expected an Invaſion from *Holland*, which at firſt was thought, by the Generality of the Nation, to be abſolutely impoſſible, and only a Pretext to raiſe Money, or draw the Army together for other Deſigns, which added ſtill to former Jealouſies; but theſe miſtaken Fears were quickly ſuppreſſed, when they knew of ſuch Preparations as your Majeſty was making in *England*; and we likewiſe affirmed by Seamen coming daily from *Holland* of great Preparations there, and Noiſe of a War quickly to break out.

Your Majeſty's Council appeared all of them ready and willing to concur in every Thing that could be offered for making the Nation as capable as could be for ſerving you, and it ſeemed for a time the Noiſe of foreign War had

had baniſhed their Jealouſies and Fears from among them, and from all Quarters of the Country, the Gentlemen and Burgeſſes ſent to the Council new Offers of Duty; the Militia was ordered to be raiſed and modelled to a fourth Part; and the forty Days Pay which the Country is obliged to of the whole, would have paid this fourth Part ſix Months; the Caſtle of *Edinburgh*, *Stirling*, &c. furniſhed the Gentry, modelled into Troops, with Arms, and Orders ſent to the Chiefs of the *Highland* Clans to have their Men in Readineſs, which, with the ſtanding Forces, would have made a conſiderable Army.

On the firſt Notice of the Invaſion, Captain *Mackay*, Nephew to the Major-General, was taken up, upon Suſpicion of having laid down his Employment in *Holland*, to be the better able to ſerve the Prince of *Orange* in what he intended, which was reaſonable to believe by a Letter found upon him, written by himſelf to his Uncle, wherein he expreſſed great Affection to the Service of the Prince of *Orange*, and deſires his Uncle to let him know, that though he had quitted his Service, yet he hoped, in the Condition he was now in, he could be more uſeful, which he was willing to do with the Hazard of his Life, and that he wanted only to know how he might put his Intention in Execution. He was examined by a Secret Committee ſeveral Times, but gave his Oath frankly, he knew nothing of any Deſign, nor meant nothing by theſe Expreſſions, but a Compliment to the Prince, who had concerned himſelf in getting him a rich Marriage; but, after the Prince of *Orange*'s coming over, he bragged of knowing all the Deſign, and valued himſelf for ſwearing frankly, rather than diſcover.

There was likewiſe taken one *Blackadder*, a Doctor of Phyſick, who was ſent over, by the baniſhed Lords and Gentlemen in *Holland*, to encourage their Friends, and give them an Account of the Inclinations and Affections of the People to the Prince of *Orange*'s Intereſt; the only Traffick could be made out againſt him, for he likewiſe could diſcloſe nothing, but rather perjure himſelf, of what he knew was betwixt L—— *M*——, Son to the Marquis of *Annandale*, and one *Murray* of *Tippermoore*; for, by a Letter taken on him from Mr. *Murray* to the Lord *Murray*, he told him, He had delivered his Meſſage to the Prince of *Orange*, who received it very kindly, and deſired *Blackadder* to give him an Account weekly of all that had paſſed, and to let him know how the Nation ſtood affected to the Prince of *Orange*: More might certainly be known from the Doctor, if the Marquis of *Annandale*, who had been lying in wait from the firſt Noiſe of the Invaſion, for a Pretext to appear diſcontent, had not taken this Opportunity; he complained highly, that any who belonged to him ſhould be ſuſpected, and that all the Work made againſt *Blackadder*, was only deſigned againſt his Family; ſo, to ſatisfy him, the Doctor was no farther meddled with, that he might not have the leaſt Ground, at ſuch a time, to complain; but all this did not ſatisfy him, for in all Meetings, both in Secret Committee and Council, he affected an Air Chagrin and Diſcontent, though to pleaſe him we were too indulgent to his Humours; yet a little while after, pretending Sickneſs, he retir'd into the Country, until he was aſſured of the Landing of the Prince of *Orange*, and then he returned and acted a Part more to the Prejudice of your Intereſt than

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the moſt inveterate of your Enemies was then able to do; the chief Reaſon he gave for his Diſcontent was, Family Piques betwixt him and the Earl of *Perth*, and Fears of his doing him ill Deeds; but it was known to all the Nation, that his Hopes of advancing his Intereſt by the Prince of *Orange*, on the Account of his Relation by his Lady, was the chief Motion of all his Actions; or at the leaſt, by his ſeeming Diſcontent with the preſent Government, he thought he would ſecure himſelf of all that your Majeſty had beſtowed on him but too prodigally; after he withdrew, every thing went on ſmoothly in Council, and even the *Weſtern* and Fanatick Gentry were contending for Employments in the Militia Troops; but by what afterwards appeared, it was with a Deſign to betray.

Nor was there any of them more forward in offering his Service, than Sir *J*—— *M*——, though at the ſame time he was aſſiſting the Lord *Lorn*, to borrow a conſiderable Sum of Money to carry him to *Holland*; the Reaſon given for borrowing this Money was, to make a Preſent to the Counteſs of *Melfort*, nor could they have found a Pretext that would have paſt more eaſily, for it was reaſonably believed; otherwiſe, the lending of ſuch a Sum by ſuch diſaffected Perſons at ſo critical a time, could not have miſs'd to be ſuſpected, and his Journey ſtopp'd.

One Mr. *Campbel*, who was ſent over by the L— *S*——, to invite him over by Warrant from the Prince of *Orange*, but I believe told little of the Deſign, though Sir *James* bragged, after the Revolution, of his knowing all, and of his having Meſſages from the Prince of *Orange*, but was contradicted by all who were intruſted in it, who were few enough; this was the firſt Appearance of Sir *J*—— *M*——, nor had he any manner of Influence, except with ſome few of the moſt bigotted Fanaticks, who had made a Party, and exclaimed againſt the reſt of their Profeſſion for accepting of the Indemnity, or taking any Favour from the Government; nor would any thing pleaſe them, nor could any ſix of them agree, being left to their Diſcretion; but notwithſtanding theſe Diviſions, all Parties kept within bounds until the calling away of the ſtanding Forces, when the Government was left bare, and at the Diſcretion of their Enemies.

About the Beginning of *September*, your Majeſty ordered the Earl of *Perth*, to let you know how the Presbyterian Miniſters intended to behave themſelves at the Juncture, judging, as they behaved, their Followers would follow their Example; but he believing very juſtly, that they would not uſe Freedom with him, deſired me to employ ſome Perſon to try their Pulſe. Sir *P*—— *M*—— was one then that had not attacked himſelf apparently to any Party, but was generally well with all Parties; I deſired him to go to ſome of the leading Men, that were then aſſembled in Town, and tell them from whom he was ſent, and that your Majeſty, conſidering the many Favours you had ſhewn, expected they would now ſhew their Gratitude in influencing their People to join heartily againſt the unnatural Invaſion; and that, according to their preſent Behaviour, they might expect Favour and Protection from you for the future. They anſwered them dryly, they were but a few then, but in a Fortnight there would be a general Meeting of them all, that then they doubted not but they would give your Majeſty Satisfaction, with ſuch Anſwers.

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When that time came, they put off giving any positive Answer, until they had new Assurances from their Friends in *Holland*, and made high with Expectations that the Prince of *Orange* would put all the Government both of Church and State in their Hands; and then they sent me Word by Sir *P*—— *M*——, that they owned God had made the King an Instrument of shewing them some Favour; but since they were convinced, that what Favour was shewn them, was only with a Design to ruin the Protestant Religion, they would meddle no more with him, nor have any Communion with any that belonged to him; especially, since he had employed in the chief Offices, Papists, or Persons popishly inclined, and so desired to be excused from giving any farther Answer, but that they would behave in this Juncture as God would inspire them: This Answer shewed plainly, what was to be expected from them, and from that time forward, both they and the Gentry of that Party took little pains to disguise their Resolutions; but still Fears of Accidents kept them from doing any thing the Government could publickly punish; nor were any of them thoroughly in the Affair, or trusted in it, so much as to make them venture any thing for what they so much desired: If any was thoroughly trusted, it was the Earl of *A*——*le*, then at *London*; at the Beginning of the Indulgence he turned Fanatick, but in a few Months wearied of it, and came to the Earl of *P*—*th*, and told him it was only his Youth that misled him in joining with such a rebellious, mutinous Pack; but henceforward he would serve the King heartily, and that he intended to go for *London* immediately, and to offer his Service.

Therefore he desired his Recommendation, which he got, and was very kindly entertained by your Majesty, and at first was to have the Earl of *A*——*y*'s Troop of Horse; but the Earl of *A*——*y* coming up, and not being willing to part with it, he had the Promise of a Regiment which he was to raise in the *Southern* Counties; but finding your Majesty's Affairs in greater Disorder than he imagined, he chused rather to join with some of the disaffected Lords in *England*.

The first he proposed to was the Earl of *D*——*k*; he told him, he found by the Company he kept constantly, that he was not satisfied with the present Government, and that he was as much dissatisfied himself as any, though he was forced to dissemble it, until he had got some things done he came for; that he was resolved never to draw Sword against the Prince of *Orange*, and that if he and his Friends would trust him, he would serve them faithfully, and run their Fate.

The Earl of *D*——*k* told him, he was joined with others, and could not act without their Liberty; but he should speak to them of it, and give an Answer: The next Day he appointed him to meet him in the City, with the Duke of *O*——*d*, Mr. *B*——*ll*, and Mr. *M*——*ll*, who belonged to the Princess of *D*——*k*, after they had dined; the Earl of *D*——*k* told him, he had spoke to Prince *George*, and the rest then with him, of what he had offered; that they all accepted willingly of it, but expected that he would give an Oath of Secrecy the most binding way they could demand, which he also readily promised; so Mr. *M*——*ll* officiated and gave him the Sacrament, and took the Oath. That he would go in with them to the Prince of *Orange*,

whenever he landed; but when it came to the Push, his Heart failed him, and he excused himself, that he had got a Misfortune; for which, when the Prince of *Orange* came to *London*, he was for some Days in the Messengers Hands, which made him immediately quit them, and join with those intended to serve your Majesty in the following Convention. What more of this kind of Treachery was carried on, I cannot be positive; for, I believe, very few *Scots* Men were concerned in it; for I doubt not, if they had, but they would have themselves valued in it with the rest, for several did so that were not concerned; nor could any such treacherous Designs have been concealed, considering the Pains both the secret Committee and Council took to find them out: And how intirely well affected to your Majesty was the little Army you had in *Scotland*, which was so advantageously posted through the Kingdom, that even the most disaffected lived peaceably expecting the Event?

But so soon as your Majesty sent your Orders, that they should be brought together, and be in a Readiness to march into *England*, then all discontented People and Fanaticks in the Nation thought they had hit on their own time, believing your Majesty's Affairs in *England* must be in a miserable Condition, when you had need of so small a Force, and for it to leave a Government naked, and lose a whole Country, which otherways might have been so useful to you.

When first the Earl of *M——t*, by your Majesty's Order, wrote of it to the secret Committee, they immediately sent an Express, to lay before your Majesty the Inconveniency of it, and likewise to propose a Design they had, that with it and the modelled Militia, and a Detachment of the *Highlanders*, to make an Army of 13,000 Men, with half Year's Pay, to have lain either upon the Borders of *Scotland*, or in the North of *England*; which, certainly, would have hindered all those Risings in the North of *England*, which made a noise so far above what really they were, and proved so prejudicial to your Affairs; but, instead of following this Advice, which was the unanimous Advice of the whole Council, the Earl of *M——t* wrote down an Order, not subscribed by your Majesty, but only in your Majesty's Name, ordering, That the Army should immediately march, and that if any of your Servants were afraid to stay behind, they might go along with the Army: With a sorrowful Heart your Majesty's Orders were obeyed, for the Consequences were too evident; so about the Beginning of *October* they began their March.

The Council after that, ordered the modelled Militia to be brought together about *Edinburgh*, and some to be quartered in the Suburbs; but the new raised Men, that would quickly have been brought into Order, if mingled with modelled Troops, signified little to keep up the Face of Authority, nor was their Commander, Sir *G——e M——o*, better at his Trade than the rest, having lost any thing he had learned in *Germany* long ago; nor had he retained any thing, but affected Nastiness, Brutality and Fanaticism, Necessity and the Recommendation of some more out of Friendship to him than the Service, persuaded the Council to give him a Commission, until your Majesty's Pleasure should be known, which afterwards you confirmed.

The Presbyterians, and discontented Party, seeing the miserable and abandoned Condition your Affairs were in, took their opportunity accordingly; for

for so soon as the Army passed the Border, *Edinburgh* was filled with Numbers of them of all Degrees, from all Places in the Kingdom, who then thought it safe to take off their Masks, and meet publickly in several Clubs, where they deliberated, as formerly, what was fit for them to do in that Juncture, as if they had been allowed by Authority; and the Council and secret Committee knew from some Spies they had among them, all that passed at their Meetings, yet they were forced to overlook what they had not Force to suppress; the chief of these Meetings, were the Earl of *G——n*, Earl *C——d*, Earl *D——d*, Earl *T——s*, Lord *R——s*, Lord *M——n*, a Fanatick, few Months before put into the Session; Sir *J—s M——y*, *A——r* Younger, Mr. *W—m H—n*, Mr. *W—m L—t*, *M—y* of *Philliphaugh*, *R—n*, *D—d*, *B—e* of *Greenock*, *M—m*, *L—n* Master of *Burrley*, Mr. *F—s M—y*, Major *B—n* of *Baillie-Hall*, *G—e S—g* Chirurgeon, one *M—s* a Merchant, *B—e* of *Broomhall*, *P—r*, *R—y L—t*, the Master of *Melvil*, Lord *B——y*, Sir *P—k M——y*, *O——n*, &c.

Several joined with them afterwards, but these were the chief Beginners and head Men among them, until the banished Rebels from *Holland* met them at *London* and eclipsed them. The Presbyterian Ministers did not publickly meet with them, but, according to their ancient Custom, nothing was determined without their Advice and Approbation. One of the first Things they took into their Consideration was, how to hinder all Correspondence betwixt your Majesty and your Council, which Sir *J—s M——y* undertook, and did it so effectually, that few Packets missed him, which was easy to be done, having Correspondence both about *Berwick*, and the North of *England*, with the Earl of *D——y*, and Lord *L——y*, then they opened all Packets, and only suffered such Letters to pass as they thought fit; some Expresses were sent down by the Earl of *M——t* to his Brother, but for fear of discouraging, always made Things better than what was reported by these Meetings at *Edinburgh*, or other Letters that came down.

That the secret Committee was in great Perplexity to know the Truth, this obliged them also to seize the Packet, and open the Letters; but it had so oft been done before, both by the discontented Party in *Scotland*, and the Lords in the North of *England*, that there was little or nothing learned by it; for several Weeks after, there came neither Packets nor Express; at last, one came with an Account of the landing of the Prince of *Orange*, and that your Majesty had marched down to meet him, til. the Earl of *M——t* gave his Brother all the Hopes imaginable; but the Earl of *D——e* wrote in so different Terms to me, that my Lord Chancellor resolved to send one to receive your Majesty's Commands, to let him know the Truth of what was doing; for which one *Baillie Brand* Merchant in *Edinburgh*, was sent Express, and recommended by the Viscount of *Tarbat*, as one most proper, being accustomed to travel that Road about his own Affairs, and so might be the less capable of Suspicion.

The Chancellor, by him, gave you an Account of the bad Station this Nation was in, since the calling away of the Forces, and the Presbyterians declaring entirely against you; but the Messenger betrayed his Trust, and went streight into the Prince of *Orange*'s Camp, and was introduced by Dr. *Burnet*;

he told the Prince he was sent by several to offer his Highness their Service; this was no sooner known, but the Viscount *T——t* was extremely suspected to be one of these, but I am convinced he had not at that time any Correspondence; for there was no Man in the Nation in such Apprehensions of Danger, after he read the Prince of *Orange*'s Declaration, and saw by it he intended to sacrifice all to satisfy the Presbyterians, and these Rebels that did come over with him, and who were for the most part the Viscount *T———t*'s personal Enemies.

This Way failing of having your Commands, the Council ordered three of their Numbers to wait on your Majesty, *viz.* the Viscount of *T———t*, the President of the Council, and myself; the other two fearing to get through, and not being able to ride Post, excused themselves; so I was sent alone. Some Days before I left *Edinburgh*, it was spread abroad, that the Rabble of the Town designed to make an Uproar, which was purposely set about by these Meetings to frighten these you trusted, and by some who had a mind to be rid of my Lord Chancellor, to have the Government in their own Hands, that they might be in a better condition to make their Court to the Prince of *Orange*. The chief of those was the Marquis of *A——e*, who thought that so early an Appearance, for the Prince of *Orange*, could not but be extremely meritorious; nor could they have done it more effectually, than by stirring up the Rabble against the Government, and making a publick Mutiny and Exclamation against those Things mentioned by him in his Declaration.

The News of the Treachery of your Army, and of your Majesty's being come Back to *London*, was no small Encouragement to them that designed to make their Courts, especially to the Viscount of *T——t*, and Sir *J. D——e*, who, though the Marquis of *A———e* appeared the Head of all, yet they were the Springs by which every thing was moved and ordered so well, that he was satisfied with the Vanity of the Name; whereas, they were sure of the Profit, without the Hazard; for if your Majesty had succeeded contrary to their Expectation, all the Stress of the Disorders they could fairly put upon him; and if the Prince of *Orange* prospered, they knew they had such Friends about him, that they would keep all the Honour of ruining the Government and getting the Council declare for him.

Their chief Design to get this accomplished, was to get rid of the Lord Chancellor. The Marquis of *A——e* designed it, both out of Family Pique, and to get the Government into his Hands, as falling due to him after the Chancellor's Departure, he being next Officer of State. The Way he proposed for this, was to have all the Troops disbanded, which he knew would have all been at the Chancellor's Devotion, except their miserable General, and bad as they were, would have been better than could have been brought against them; for the Council having kept some inferior Officers of the Earl of *D———*'s Regiment that came down for Recruits, put them in tolerable Order.

The Viscount of *T———t* proposed in Council that these Troops may be disbanded, being an unnecessary Charge, since he believed there would be no more to do with Soldiers, and the Prince of *Orange* had declared in his Declaration the Illegality of keeping up Forces in time of Peace.

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The Earl of *Perth*, who was desirous to do every Thing to satisfy them, and not considering their Design, too easily consented to it, and trusting some of those he saw most earnest for it, next Day they were all dismissed, except four Companies of Foot, and two Troops of Horse, for bringing in the publick Money. So soon as they had got them dismissed, the Marquis of *A———e*, and the rest of the Councellors that were of his Party, came to my Lord Chancellor's own Lodging, and told him, They thought themselves no longer in Safety to meet in Council where he was, and several others, incapacitate by Law; but if he and they would retire, it would soon be seen how rigorously they would act in the King's Service and get all the Rabble pacified, and the discontented Meeting dismiss'd. Before he gave them any positive Answer, he retired into another Room, where the Duke of *G———n*, and all the Catholick Councellors were met upon the Noise of this Advice of the Marquis of *A———*'s, and he told them what had passed; all unanimously advised him to be gone, and that it would look better to do it voluntarily than be compelled, as certainly they would do, now when they had begun, and had all the Rabble, and discontented Meetings, on their Side. Several others likewise, out of Concern for him, gave him the same Advice, thinking it dangerous for him to trust an inraged Multitude; these Advices of his Friends determined him, so he returned to these Lords and took his Leave of them, and went strait to the Country: Before he went away, the Rabble began to meet in Companies upon the Street, being encouraged by these Lords and Gentlemen I have already named, *G——e S——g* and *W——m M——s*; so soon as they saw them beginning to beat Drums through all the Town, and when the Inhabitants came out to see what was the matter of so sudden an Alarum, they had their Friends posted in all Quarters to tell them, That all the Townsmen that were Protestants, should immediately gather together for their own Defence, for they were certainly informed, that a great Number of Papists had got into the Town, and designed to burn it that Night. This made an Alarum through all the Town, and few staid in their Houses. When they were all gathered together, and saw no Appearance of any such thing, some, who were called there of purpose, proposed, That since there were so many honest Men got together, it would be a Pity they should part without doing something, and that they could not propose a more worthy Action, than to go down to the Abby and pull down the Chapel. It was no sooner proposed, but (as in such tumultuous Meetings) all cry'd, Agreed; and in a tumultuous Manner, Men and Boys, marched away: Captain *John Wallace*, who was then in the House with six Score Men, raised a little before by the Council on that Design, so soon as he heard of their coming, sent a Serjeant to desire them not to come near, otherways he would be obliged to do his Duty and fire; but notwithstanding of his Fire they pressed on, and he gave them a Volley of Firelocks among them, which killed about a Dozen, and wounded thrice as many; on the first they immediately run, and the Noise was industriously spread by the Gentlemen and Lords sitting the same time at their Meetings, as if *W———e* had made a Butchery of the Inhabitants; and, to make it inflame the more, there were few Burghers, or People in Town of any Consideration, but was said to have Children killed: The first

Meeting

Meeting was but the meaner Sort and Boys; but after this, the whole Inhabitants got to Arms, and the discontented Meetings came out to the Streets, and offered their Service, which was gladly received; but as they were again going against the Captain, one of them proposed, that what they were a going about might, some time or other, be challenged; therefore he advised them, that since they were sure of the Marquis of *A———e*, and some other Counsellors, he might be desired, by some of their Number, to give them a publick Warrant for what they were to do, and likewise might offer the Concurrence of the Magistrates. The Advice was thought very reasonable, and Deputies were sent to the Marquis; he immediately sent for the Earl of *B——e*, Viscount of *Tarbat*, and Sir *J——n D———e*, these four signed a Warrant to the Magistrates, that they should go down in their Robes, and with the Help of their Train'd Bands, Militia Regiment, and Town Company, should assist the Rabble against Captain *Wallace*, and force him to deliver up the House; and likewise that they should carry down your Majesty's Heralds and Trumpets in their Coats, to summons Captain *Wallace*, in the King's Name, to give up the House.

The Provost of *Edinburgh*, a timorous poor Man, though very honest, obeyed their Order, and went down so soon as their Affairs could be in Readiness, first marched the Town Company commanded by Captain *G——e*, who a Day before this was turned out of his Employment, but, on his Offer of Service on that Occasion, he was restored; next the discontented Gentlemen, the chief of these were Sir *J——s M——y*, *H——n*, *G——k*, *M——m*, Mr. *W——m L———t*, *R———n*, *D——d*, *W——m D———d*, Clerk to the Artillery; Lord *M———n*, the Fanatick Judge, with a Halberd in his Hand, as drunk as Ale and Brandy could make him; next, the Provost and Magistrates, with a Mob of two or three thousand Men; when they came within Distance of Shot, the Trumpets and Heralds were sent before to command him to surrender; Captain *Wallace* told them, He was put in by the Council, and would never deliver it up without the King or Council's Command; the Order then produced was but a *Quorum* of the Council, so he absolutely refused to obey; at which they began to fire straggling Shots at one another, which made all the Magistrates, and others, draw down to *Stairs* and *Lairs*, and left Major *G——e*, the Train'd Bands, and his Company, with the Rabble, to dispute the Matter; Captain *Wallace* had certainly been able to defend the House, if he had kept his Men within the Court and fired out of the Windows; but he left the House, and posted himself in the outer Court, which, when Captain *G———e* perceived, he marched out at the Town Post with his Company, and came in by the back Court, and so got behind him, which, when Captain *W——e* heard, he slipp'd aside without telling his Officers and Soldiers, and left them to shift for themselves. When they knew that he was gone, they laid down their Arms and begged Quarters; the Gentlemen and Rabble, when they saw all Hazard over, ran in upon them, killed some, and made the rest Prisoners, and sent them to Prison, where several of them died for Want and of their Wounds; then all the Rabble rush'd into the House, pulled down every Thing they could find in the private Chapel and in the Abbey, which was but furnished some Days before,

fore; next they fell upon the House where the Jesuits lived, and almost pulled it down; then they broke into the Earl of *Perth*'s Cellars, and made themselves as drunk with Wine, as they were before with Zeal; for two or three Days thereafter they rambled up and down the Town, searched and plundered what *Roman*-Catholick Houses they could find, which were very few, except some Catholick Ladies whom they used villanously; nor did the Council any thing to hinder their Disorders.

For such of them as abhorred these Barbarities, thought themselves happy to escape their Rage; others were so far from discouraging these Abuses, that it was generally known they were the chief Promoters of them: After the Noise or the Rabble was a little abated, the Marquis of *Annandale*, as next Officer of State, called the Council, and proposed an Address to be sent up to the Prince of *Orange*, with the highest Acknowledgments of Gratitude for his generous Undertaking of freeing them from Popery and Tyranny, and Offers of future Service; but there were so many who opposed it, so that it was stopp'd. Those that hindered for a while the Marquis of *Annandale*, and his Party, were the two Archbishops, the President of the Session, Sir *G——e M——e*, Master of *B——o*, Mr. *C——s H——e*, now Earl, and the Lord *L————e*; but though they got the Address first offered stopp'd, yet they were out-voted when it was debated, if it was proper to send away at all, and so Lord *G——s* was sent up with an Address very short, and in general Terms, which was very coldly received, a franker one being promised and expected. The next thing gave them some Work was, the apprehending of the Earl of *Perth*, who, finding he could not live in Safety at Home, and being desirous to be with your Majesty, he embarked at *Bruntisland* in *Fife*, for *France*; but though he had disguised himself, one *C——k*, a Fanatick, knew him as he was going on Ship-board, who immediately rode to *Kircaldy*, where the most of that Profession, in that Country, dwells; and, by accident, met with a great Company of Seamen walking on the Shore, he told them he could set them on a Way whereby they might be all rich; that he had seen the Earl of *Perth* take Ship at *Bruntisland*, and that he had a vast Sum of Money aboard, and that he was confident to apprehend him, would be acceptable to many of the Council; among these Seamen, there was one *Wilson* who had been a Buccanier, he willingly accepted the Employment, and all the rest submitted to him; but to get their Affairs done without Hazard, they sent to the Magistrates of the Town, and told them of their Resolution, and desired their Allowance, which they very willingly did, and gave them an Order; the two who signed it were Captain *C————d* and *J——s L————e*, both at that time in beneficial Employments; the Wind being quite calm, they got in a Long-boat to him near the Bass; my Lord (which was a great Oversight in him) had but very few Seamen aboard, who immediately rendered, and after they had plundered him and his Lady, they brought them back to *Kircaldy*, and threw them into a common Prison, and used them with all Barbarity and Insolence a Rabble was capable of, which the Magistrates rather encouraged than hindered, after they had put them in Prison (as the Magistrates pretended since) to secure them; one of them went over to the Marquis, and told him what their Townsmen had done, which he not only approved of, but gave

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an antedated Order for their Warrant; but this his Lordship denies, and they affirm they still have; so I shall not determine the Truth of it, the Earl of *M——r* and several others told me, when they came afterwards to *London*, that they had seen it: What to do with him made a great Debate in Council; the Marquis of *Annandale*, and all his Party, were for sending him to *Stirling* Castle; others, were for his Liberty; besides the Earl of *Cassils*, who was made one of the Council a little before; but they were out-voted, and the Earl of *M——r* was sent with Orders to *Kircaldy*, to carry him to *Stirling* Castle, which he commanded on pretext to secure him from the Rabble; and thus took him out of their Hands, but mended nothing the barbarous Usage, for first he was carried to the Earl of *M——r*'s own House at *Alloway*, where they kept Centuries standing within the Room with him, and then made him close Prisoner in *Sterling* Castle, where he remained almost four Years.

The Marquis and most of the Council began to prepare for going up to make their Court; but that they might do it the better, it was voted in Council, that they should desire the Lord of Treasury to pay their Expences, which was likewise carried; the Marquis and Viscount of *Tarbat*, were very ready to comply, since they were to have their Share; but the Earl of *Tweddale* (who with these two were all that were in Town of the Treasury) was not then in a condition to go up himself, and absolutely refused; so, for want of a *Quorum*, the whole Project was broke, and they were forced to go on their own Charges; after the Viscount of *Tarbat*, Sir *G——e M———e*, and the President of the Session were gone, the Marquis of *Annandale* took upon him absolutely the Government while they stayed.

There was at least some Decency kept, but they were no sooner gone, but the Marquis, like another *Mazenello*, ordered all at his Pleasure, turned out several from their Employments about the Treasury, Customs and other Places, and put in Creatures of his own, and when he had ordered all as he thought fit, he followed the rest of the Council, and left the Earl of *S——e*, and some others of the Council of his own Party to manage in his Absence.

Never was such a Confluence seen on the Road of all Sorts, Degrees, and Persuasions as at that time going up; for no sooner was it known that your Majesty was gone, and the Prince of *Orange* come to *London*, but all that could scrape so much Money together went up, the Presbyterians and discontented Noblemen, Gentlemen and Ministers, to receive the Fruit of their Labours and great Promises; the Episcopal Party, to endeavour to save themselves from the Ruin they saw inevitably coming upon them by their Enemies, getting the absolute Disposal of the Government both in Church and State; but their Number was nothing to be compared to the others, after they had met with their Friends from *Holland*; every Night after they were once gathered together, they kept their Meetings in St. *James*'s Street at the Ship Tavern, then they consulted what was next to be done, both to get the Government in their Hands, and how to hinder all others who were not of their Party.

One of the first Things proposed was, who should be for ever incapacitated for all publick Employment; five only were named at first, and sent with Monsieur *Beatton* to the Prince of *Orange*, at the Desire of the whole Meeting,

Meeting, and these were the Duke of *Queensberry*, Viscount *Tarbat*, Sir *George M——e*, Viscount of *D——e*, and myself; but the Prince of *Orange* absolutely refused, being resolved to put nobody in despair, till once he knew how they intended to behave for his Interest; which Stop made us go on no further in that Affair, though they intended (as was mentioned) next Parliament, that all should be incapacitated who ever had served your Majesty in any Employment whatsoever; but this took so many in, and so many of themselves and Friends being concerned, it was likewise hindered, not only by the Prince of *Orange* who desired not to be confined to them, but by most of the leading Men among them, who accepted the chief Employments, and particularly the Duke of *Hamilton*, whom I cannot pass by, without giving your Majesty some Account of his Behaviour, not only in this Affair, but a little before; and especially what I was most concerned in myself.

The Day after your Majesty's first going from *London*, I came there, and hearing the unhappy News, I thought it was reasonable to desire the Advice of all other Counsellors who were there, what I should write to the Council, who had sent me up to receive your Commands, and let your Majesty know the Condition of the Kingdom, and give you new Assurances of Loyalty and Fidelity, in Terms very different from what was alledged by some.

Before your Majesty went away, as if the Council of *Scotland* had been sending some of their Number to join with these that had petitioned you for the calling of a Parliament, after I had got together all the Counsellors, which were the Earl of *A——y*, Lord *L——n* Viscount of *Dundie*, Lieutenant General of *D——s*, we went to the Duke of *Hamilton*'s Lodging, where I told them on what account I was sent, and now that your Majesty was gone, desired their Advice what I should write home; for all that time we knew nothing of what Troubles had happened, and gave the Duke a Letter from the Council, wherein they desired he might assist me in receiving your Majesty's Commands, and letting you know the Condition they were in. So soon as he read his own, he desired to see the Letter I had brought to your Majesty, otherwise he would not meddle in our Affairs; to satisfy him I gave him a Double of it, and though he pressed with all the Passion his natural Fire and insolent Temper could permit, that I might give him the Principal, I absolutely refused to do it at all; and I had no reason, since he was not to deliver it, and that your Majesty was gone: This put him into such a Fury, that he no more could conceal his Design of desiring the Letter, and told, that if he had the principal Letter, he should give it to the Lords met at *Whitehall*, to shew them what a Letter I had brought up, subscribed by a Chancellor and several other Counsellors still sitting there, contrary to Law; that he would meddle in nothing wherein they were concerned, and that he was free himself, having never acted since the last Indemnity, but that he would consult with the *English* Lords what was proper next to be done; and so in a Rage left us in his own House. But, three Days after, when he heard of your Majesty's coming back from *Feversham*, and that Things were like not to go on as he expected, he sent for the Viscount of *Dundie*, and made great Excuses for his Passion, and desired him to go to us all and offer his Friendship, and in his own Lodging prays and intreats us, that we might

make no more of it. After your Majesty's coming back, no Man for the short time you staid, appeared more concerned for your Service; but your Majesty had no sooner come to *Whitehall*, than he had his Coach ready, and went strait to the Session-House to the Prince of *Orange*, and offered him his Service, and was received more kindly than any other, not of Affection, but that he saw him the fittest Tool to manage the different Interests of that Nation; for with the discontented Noblemen and Gentlemen, none appeared more dissatisfied with all that had been done in the former Reign, though none had a greater Hand in all that was done.

With the Presbyterians he always pretended he had been in their Interest, and what he did that looked like Compliance in the former Government against them, was only to keep them from greater Misfortunes. With the Episcopal Party, at least with such as trusted him, who were very few, he begged they might suspend their Judgment of him until a Convention, and then it should be seen who were most for the Interest of the King and the Nation.

With these Pretexts, which is no hard Task for Men that will abandon for their Interest all Truth, Honour and Religion, he cajoled a vast Number of all Persuasions, and made himself thought absolutely necessary; which was the only thing he aimed at, both in your Brother's Reign, and your own; and, to carry on this the better among different Parties, in appearance, he meddled with none of their Meetings, for that would declare him too much a Party, until he got all Things ready for their great Meeting held at *Whitehall*, whereof he was chosen President; he proposed the great Disorders at home, that all the Nation was cast loose without any Shadow or Order of Government.

Therefore it was absolutely necessary, that the Government should be lodged somewhere, until a Convention of Estates were called; the great Disorders that had fallen out, and the licentious Liberty the Mob had taken, made many comply to that Proposition, though extremely against their Inclinations; and what made it pass the easier was the Time of this Government, being prefixed to so short a Day as the 16th of *March*, 1689; besides, it could hardly be avoided without being imprisoned, all the Road being stopped, and Passage absolutely denied, and so would have rendred them incapable of appearing for your Interest. In the Convention met then, the Earl of *Argyll* did read over a short Paper, wherein he told them he believed there could be no other means to restore Peace and Happiness in *Britain*, but to send to your Majesty, and desire you would return.

There were a great many there, who would willingly join in such a Proposition, but his Lordship brought it in without letting any of your Friends know it; besides, at that time the Earl of *A——ll* was extremely suspected both for his going into the Prince of *Orange* on the first Noise of your Majesty's going away, and the great Interest his Father had with the Prince of *Orange*, and all the Fanatick discontented Party, the most sensible and best of your Friends judged likewise, that though this Proposal seemed just and bold, yet it was then ill timed, considering if any had joined with him, the Prince of *Orange* would immediately have sent down Troops to *Scotland*,

Scotland, which would inevitably hinder all Appearance for your Intereſt in the Convention, which was believed to be the only Place proper to appear in, and that at that time, no wiſe Man ought to do more, but to get out of the Claws of their Enemies. In this Meeting there was nothing elſe done, but an Offer of ſigning the Aſſociation; which all refuſed, who intended to act for your Intereſt; after that was over, both Parties made what haſte they could to get home, but ſtill the Prince of *Orange* denied Paſſage until he was declared King, which was thought he did, that all the *Scots* there might kiſs his Hand, which would be a kind of Acknowledgment; but, notwithſtanding that, Duke *Hamilton* and all thoſe that came over from *Holland*, and ſeveral others, went and did it; yet many of the *Scots*, even of thoſe, who were as violent as any, refuſed it; which was extremely ill taken.

How to behave in that Convention to ſit in *March*, puzzled not a few; but all the loyal Party, ſome thought they could not, in Conſcience, go to any Meeting called by the Prince of *Orange*; That it was a Breach of their Oath in the Teſt, to ſit in any Meeting not called by Regal Authority; but others judged, That ſince your Majeſty was not in a Condition at that time to call a Convention, they might very lawfully go, ſince it was only to ſerve you, that they expoſed themſelves to a victorious and inſulting Enemy; but your Majeſty ſending over *G——e H——y* juſt at the time when theſe Reſolutions were a forming made all your Friends reſolve to go down; and ſince they knew you allowed them to endeavour to make to all the Intereſt they could that Members might be rightly choſen.

The Marquis of *Annandale* was come up a little before I, to receive the Rewards of his Service; but he was dryly received, and ſo many Enemies about the Prince of *Orange*, that he began again to look to his old Friends, and made great Apologies for what was paſt in *Scotland*, and promiſed his Aſſiſtance in the Convention.

There was ſo much need for Help, that he was received, and all your Friends joined to go down to *Scotland*, to prepare your Friends in the ſeveral Counties and Towns for the Election of Commiſſioners; but it was too long before it was reſolved on, and many of the loyal Gentlmen abſolutely refuſed to meet on Call, which gave the Prince of *Orange*'s Party and Fanaticks great Advantage; yet notwithſtanding of theſe Diſadvantages, if Forces had not been ſent down, and all the aforeſaid Perſons admitted without any Repeat of a thing never heard of before, your Intereſt had been aſſerted in that Convention.

The firſt that came down of either Party, was the Viſcount of *D——e*, and myſelf; when we came to *Edinburgh*, about the End of *February*, we found that City in a great quiet, and generally well affected.

The College of Juſtice to free themſelves, after the Marquis of *Annandale* left his Government, armed themſelves, and made up a Battalion of very good Men, which kept all the diſaffected in great Awe; but Duke *Hamilton* believing they would not be for purpoſe, got an Order ſent down with Commiſſary *M——o* to diſband them; on our firſt coming we waited on the Duke of *G——e*, who was capitulating to render up the Caſtle of *Edinburgh*; at our Entry to the Caſtle, we met all the Duke's Furniture coming out, which gave us ſmall Hopes of his keeping it; but we had the good Fortune to con-

vince him, that it would be ſo much for your Majeſty's Intereſt and his own Honour, that he promiſed to keep it out until he ſaw what the Convention would do: I ſay not this in the leaſt to diſparage any thing he did, for I ſaw him have very good Inclinations to do for your Intereſt; but his never having Orders from you, and his hearing all other Forts and Places given up, diſcouraged him extremely. He had likewiſe a great Temptation from the Prince of *Orange*, for he wrote to him a very obliging Letter, with full Aſſurance of Indemnity and Protection; but notwithſtanding of that, and of ſeveral Advices of ſuch as he believed wiſhed him well, and who haunted him conſtantly to get him to deliver up the Caſtle, yet he reſolved to hold out; but the great Error he committed (though ſeveral others were laid to his Charge that were not true) was, after he had reſolved it, he did not get it provided; for then the City of *Edinburgh* would not have denied him any thing, or if they had, he could eaſily have compelled them. Some Days before the Convention ſat down, the Duke of *Hamilton*, and other Weſtern Lords and Gentlemen, brought publickly into Town ſeveral Companies of Foot, and quartered them in the City, beſides great Numbers that they kept hid in Cellars and Houſes below the Ground, which never appeared until ſome Days after the Convention was begun, though they were generally believed to be thrice as many as there were; this was the firſt Error committed by your Friends, for in Reaſon they ought all to have left the Convention, and gone and ſate in ſome other Town by themſelves, which they might have done ſafely, but there was ſo great Hopes of doing well in that Meeting, that it made many unwilling, notwithſtanding of their Hazard to leave it; nor, can I ſay, wanted their Probability for this Opinion; for if ſeveral had not left us after all the reiterated Oaths imaginable, and others admitted into Convention by abſolute Force, we would have been by far the major Part; but ſuch Injuſtices were never heard of as was committed in their judging of Elections, for if any of their Party had ſix Votes, the other had had an hundred, ſignified nothing; beſides the Manner of Elections was out of all Rules ever before heard tell of, and a new way taken which was propoſed by the Lord *Stairs*, That all Proteſtants, without Diſtinction, ſhould have Votes in the Election, which put it intirely in the Hand of the Rabble, which they managed ſome by Promiſes, and others by a little Money; not even could all theſe ſiniſtrous Arts and Tricks have compaſſed Ends, if your Friends could have had an honeſt Man to be Preſident, that was not publickly obnoxious to the Fanaticks, which forced, notwithſtanding of all that was paſſed, to pitch on the Marquis of *Annandale*, not that they had Confidence either in his Parts or Honeſty, but he was the only Man could be ſet againſt Duke *Hamilton*; both Parties were extremely concerned, looking on the Choice of a Preſident as a deciſive Stroke; for by it they could know whom to reckon on; nor had they ſmall Reaſon for their Judgment, for the firſt Day the Duke of *Hamilton* was choſen Preſident, contrary even to their own Expectation, above twenty left us that had engaged to us, and voted for us, ſeeing we were the weakeſt Party, and that the other would have both Forces, and ſhew Authority on their Side. The next Thing they voted, was a Committee of Elections, which they got filled with their own Party, and ended the Affair; for by that they ſaw themſelves

ſelves ſo ſtrong, nothing could be heard among them, but put it to the Vote, which they always carried without Debate, and ſo ſcandalouſly, that even Duke *Hamilton*, who (to give him his due) underſtood Reaſon and the Law of the Nation at another rate than any tumultuous Carriage, and ſeveral times endeavoured to hinder it; nor can I ſay if this Cauſe had been good, but he behaved himſelf until it came to the chief Matter, with a great deal of Prudence and Moderation, in ſo much that ſome of their own Party began to repent of their Choice. Some few Days were taken up in judging of Elections, which would have taken much longer time, if ſeveral who ſaw there was no manner of Juſtice ſo much as pretended to among them, had not given it over and yielded, which made them grow ſtronger every Day. None concerned in that Affair of Elections, behaved ſo well as Mr. *C——s H——e*; after his Brother, the Earl of *H——s*'s Death, the Title fell to him, but by Reaſon of the Debts of the Family, he did not take on him the Title, fearing to loſe a conſiderable Intereſt that was left him, with this Proviſion, That if the Eſtate of *H-----e* came to him, then that Eſtate ſhould go to his younger Brother; ſo not pretending to be a Peer, he was choſen one of the Commiſſioners for the Shire; but when it was brought before the Convention, he was caſt as one they expected would be none of their Friends; ſo ſoon as the Sentence was pronounced, he told the Preſident, ſince they had taken away one way of his ſitting in that Convention he had right to, he ſhould try another which they could not refuſe him; and ſo went out and took place as Earl of *Hume*, with the Hazard of loſing the beſt Part of his Eſtate.

There was likewiſe another extraordinary Affair of that Kind, one Mr. *B———e* of *Tarwoodhead*, that had pretended ſome Years before to be Lord *Foreſter*, but was ſummoned before the Council for uſurping a Title he had no right to, and diſcharged under a conſiderable Penalty never more to pretend to it; but theſe at *London*, who had the writing of Letters, not knowing his Title, or more likely, believed he would be on their Intereſt, procured him a Letter from the Prince of *Orange*, to come to the Convention; ſo ſoon as he was challenged by Sir *G——e M———e* he produced his Letter, which was voted a ſufficient Right to ſit; ſeveral, as unjuſtly as theſe, were received; I only inſtance them, to ſhew how that Convention was conſtituted, moſt of the Commiſſioners having no Right. The firſt Thing they took into their Conſideration, after the Houſe was thus conſtituted, was the getting of the Caſtle of *Edinburgh* into their Hands: That which preſſed them moſt to it, there were two pretending to have the Government of it, the Earl of *L——n*, and the Earl of *L——n* likewiſe, it being the firſt of any Conſideration in *Britain*, holding out, the Prince of *Orange* was very deſirous to have it reduced, the Earl of *L——n* and *T——e* were ſent up to capitulate with Duke *G———n*, who promiſed them he would comply with their Deſire, and give it up next Day at Ten o'Clock. So ſoon as the Viſcount of *D——e* and I heard them give this Anſwer to the Convention, we were mightily alarmed, and ſent up one immediately to remember his Grace of his Engagement to us, and to lay before him the Ruin of your Affairs if once they got the Caſtle in their Hands. As Irreſolution was the Cauſe of his Promiſe to them, ſo what Arguments were uſed to him on the other ſide meeting with his Deſire to ſerve you, brought

brought him about again, his greateſt Obſtacle then was, how to come fairly off; the Earl of *T——e*, with his flattering inſinuating way, had got him to go too great a length, for that, it was adviſed that next Day when they came to demand the Caſtle, he ſhould tell, he would willingly give it up, but he could not ſee how he could be ſafe himſelf from the Rabble of the Town, and thoſe that were brought into it; but to free them from all Fear he ſhould give the Convention any Diſturbance, he ſhould offer Bail for Twenty Thouſand Pounds to live peaceably in it; but though he was very well ſatisfied with this Advice, yet that Night he grew again irreſolute, and ſent to tell us, that except we came to him immediately, he would not keep his Word. This was impoſſible to do, for they having placed the Town Companies of *Edinburgh* upon the Caſtle Hill, ſuffered none they ſuſpected to go up; yet one ventured to him, to know what he had to ſay to us? He ſent us Word, that notwithſtanding of all was paſt he would deliver it up, except we both gave it under our Hands, that it was of abſolute Neceſſity for your Affairs not to yield it up, which we both did that Night; and next Morning the Viſcount of *D——e* got into the Caſtle, and confirmed him abſolutely in his Reſolution of keeping it out, by telling him the Reſolutions were taken by your Friends of leaving *Edinburgh*, and ſetting up at *Sterling*; ſo next Day, when they expected to have the Caſtle at the Hour appointed, he refuſed again, and Hoſtilities went out.

Being thus left by many of thoſe we truſted, and deſpairing of doing any thing in that Convention, next Day we reſolved in our general Meeting, that we would quell it, and call a Convention at *Sterling*; but your Majeſty had given Power to the Archbiſhop of *St. Andrews*, the Viſcount of *D——e* and myſelf, to do by a Letter you ſent us from *Ireland*, by one Mr. *B——n*; but before we could determine, if that it was of abſolute Neceſſity to be ſecure of the Earl of *M——r*, and Marquis of *Annandale*, the one having Command of *Sterling* Caſtle, and the other that he might bring us Highlanders to be a Guard to the Town; the Earl of *M——r* had all along appeared one of the firmeſt in your Intereſt from the time he came to *London*, ſo he gave us all the Aſſurances imaginable, that he would be according as the major Part thought fit; the Marquis of *Annandale* alſo conſented to leave *Edinburgh*, and go ſtreight to *Sterling*; but he never continued ſix Hours in one Reſolution, which broke all our Deſign; for his wavering made our Departure be put off, ſtill expecting he would be brought about to do it; at laſt, a poſitive Hour was condeſcended, one and ſeveral made themſelves ready whom we hardly expected, after it was reſolved to be gone; it was thought fit by all your Friends, that one ſhould be ſent to let you know the Reaſon of our leaving the Convention, and receive your Commands, which the Laird of *Cullin* undertook that before we was to go off; juſt as the Convention was ſitting down, there came one to the Viſcount of *D——e*, telling him, that there were ſix or ſeven Men in a Houſe intended to murder him and Sir *G——e M——e*, and that if he would get a Warrant he might inſtantly carry them to the Houſe where they were; ſo ſoon as the Convention met, he told this to the Duke of *Hamilton*, who propoſed it to the Convention, but they abſolutely refuſed to meddle in it, but went to other Affairs. This made the Viſcount of *D——e*

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preſs yet the more to be gone than before; ſo evident a Piece of Juſtice being refuſed him, tho' he offered to prove it at the Bar, neither was there any of your Friends who could think themſelves longer ſafe, which certainly the other Party was extremely glad to ſee, for all they deſired was to have the Houſe alone: It is not to be doubted but they made ſeveral ſuch things to paſs purpoſely to frighten us, but it was hard truſting Men who had the Power in their Hands, that they would ſtop to put it in Execution what ſo many of them have publickly profeſſed, and at leaſt, not condemnedly, the moſt moderate of the Party, when their Intereſt or Revenge was concerned. But after all of us were fully determined to make the beſt of our Way the next Morning to *Stirling*, the Marquis of *Annandale*'s Heart failed, ſo ſome who went down to him, thinking to get him to go along, he deſired we might go to the Place we ordinarily met in, and ſtay yet another Day, which we all conſented to, and that we might the better cover our Deſign of going away, we reſolved to go for that Day to the Convention; juſt as we were almoſt diſperſed and gone to the Houſe, the Viſcount of *Dundee* came in, who knew nothing of the Marquis of *Annandale*'s Delay, nor of your Friends Reſolution to ſtay a little longer for him, but expected all was juſt a going; he was mightily ſurprized at their Reſolution, and told me, notwithſtanding of that, he would go before, and if any got out in Town he would wait for them.

It was very evident his going away would give the Alarm, which made me extremely earneſt that he might ſtay one Day longer; but he had before made an Appointment with ſome to go with him, ſo he went ſtrait away with about fifty Horſes. As he was riding near the Caſtle of *Edinburgh*, the Duke of *Gordon* made a Sign to ſpeak with him at the Weſt Side of the Caſtle, where, though it be extremely ſteep, yet he told the Duke all that was reſolved upon, and begged he might hold out the Caſtle till your Friends might get him relieved, which he poſitively promiſed to do. Whilſt they were ſpeaking, ſome of thoſe who were ſet to blockade the Caſtle, perceived them, and came running into the Convention, and told them, That there was a great Number of Horſe gathering together, and that the Viſcount of *Dundee* was talking with Duke *Gordon*, which they looked on as a horrid Crime; after they had out-lawed him, their Fears alſo increaſed, believing it was a general Deſign againſt them, and that which augmented their Fright the more was, that ſeveral Meſſengers brought Word after other, that they were ſtill increaſing; at laſt the Duke of *Hamilton*, in a mighty Fury, told the Convention, That now it was time to look to their own Safety, ſince the Papiſts, and Enemies to the ſettling the Government, were ſo bold as to gather together; That he doubted not but there were ſeveral there among them who were on the Deſign, therefore it was his Opinion, that the Doors ſhould be immediately bolted, and the Keys laid on the Table; That ſome of their Number ſhould be ſent out to beat Drums, to gather together all thoſe well-affected to Religion and Liberty; That he had brought ſome Foot from the Weſt Country, fearing the Deſigns of their Enemies, to defend them. What he ſaid was approved of by all their Party, ſeveral of them alſo bragged of the Numbers they had brought, and called them thrice as many as they were:

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The Earl of *Loudon* was pitched upon to go out and gather them together, which when he had done, there were ſo miſerable a Parcel ſeen, nor is it to be doubted, if your Friends had known their own Strength, and not believed your Enemies to be far ſtronger than they really were, they might, with all the Eaſe imaginable, that Day have affected and vindicated your Right, and defeated your Enemies.

Such of your Friends as were locked within the Houſe, and guarded likewiſe without, looked on themſelves as undone; and the thing that ſaved them was, that they could come to no Reſolution among themſelves, but I cannot ſay much of their Intentions, having it from ſome that changed Parties ſo often that I cannot aſſert nothing on their Credit. The Fear being a little over, and that they ſaw they had the moſt of your Friends in their Power, and that there was no Tumult in Town, nor that the Viſcount of *Dundee* grew any ſtronger, but was marching away; ſo they ordered one Major *B———n* to gather all he could together and follow him, which he did; but never came within ſight of him.

After that they had ſecured the Town, and thought themſelves out of Hazard, Duke *Hamilton* diſmiſſed the Convention to the great Satisfaction of all your Friends, little expecting they would come off ſo eaſily, and all this Noiſe ended in nothing; but with that, alſo ended all Hopes of ſetting up another Convention at *Stirling*, for the Marquis of *Annandale* gave it quite over, Earl of *Marr* made a Feint to get out of the Town, but went by the only Poſt that was guarded, and was ſtopp'd there and brought back, and gave his Parole not to ſtir out of *Edinburgh* without Leave of the Convention; theſe two giving it over, every body that was apprehenſive ſhifted for themſelves and lurked in *Edinburgh*; next Day there was a mighty Change, for ſeveral, either out of Fear or Intereſt, left us; thoſe of note were the Earl of *Marr*, and *Argyle*, who changed thoroughly, and went along with every thing that could be propoſed; ſeveral alſo, both of Barons and Burgeſſes, did the like, ſo that by ſuch of their Friends as left the Houſe, which did likewiſe ſome of the Biſhops, they got their Meeting almoſt to be unanimous.

The Night thereafter, they ſearched the Town ſome Officers they ſuſpected, yet found none, but one that had a mind to be taken, Lieutenant General *D——s*, when he went to *England* with the Army, he certainly knew nothing of any Deſign among them, but he had not converſed long with the Lord *C———ll*, *K———k*, and ſome others, but he grew one of the hotteſt of the Party, inſomuch, that he propoſed to my Lord to betray and carry in his Regiment, as I was informed by the Viſcount a while after; before he made the Propoſition, he told him he had one Affair of great Conſequence to them both to tell, if he would give his Oath never to reveal it, which when he had done, though he abhorred the Motion, yet he thought himſelf obliged in Honour to conceal; ſo ſoon as he cleared himſelf to Duke *Hamilton* of any Deſign he had againſt them, he was diſmiſſed; this he could eaſily do, for none in all the Revolution acted a blacker Part, for he not only ſent in a Battalion of the *Scots* Guards, but was on all the Deſigns of betraying, and above all, laid down his Employment to get the greater Credit with your Friends, and at the ſame

ſame time was engaged to the Prince of *Orange*, to let him know what paſſed and was deſigned by his Enemies.

Being now free of moſt of theſe that obſtructed them, ſome quitted the Houſe, and others joined with them, they fell heartily to work with the Affair upon which they had met, but fearing leſt the Prince of *Orange* ſhould think they went ſlowly on, they ſent up the Lord *R——s* with a Letter containing the Reaſons of their Delay, which were, That now they were free from thoſe who had oppoſed the ſettling the Nation, and doubted not but to come ſhortly to Concluſion to his Satisfaction; next choſed a Committee for ſettling the Government, and another for conſidering the preſent State of the Nation: What was done, or failed in either, I cannot give a full Account, having firſt left the Houſe, ſo can ſay little but from other Hands, and both Parties being concerned the one againſt the other, at that time a conſiderable Allowance muſt be given to both their Reports, if one deſire to know the Truth impartially; but ſtill there remained ſome of your Friends that gave them ſome Trouble, particularly Sir *G——e M————e*, the Archbiſhop of *Glaſgow* and Mr. *O——e*, who behaved themſelves extremely well, when the chief Affair came in of ſettling the Government; but Reaſon ſignified little to Men that were reſolved to go through with what they had begun, nor could it have ſignified much upon another Account; for among them all (generally ſpeaking) there was never ſeen ſuch a Set of Men gathered together, for they had few, ſave Sir *James Murray* and *J——n D————e*, that could make the leaſt Reply, but only put it to a Vote, which they were ſure to carry among themſelves; likewiſe there were ſome Diviſions, ſome would have the Crown declared immediately vacant, as was done in *England*, and the Prince of *Orange* proclaimed; others (who were cautious, would willingly have ſeen a little better about them before they made ſo bold a Step) propoſed an Union with *England*, and took all the Pains imaginable to engage your Friends into it, and ſo bring them back to the Houſe, alledging, there would be nothing ſo much for your Intereſt as the gaining of Time, and if that this Propoſal did not go on, the Government would be preſently ſettled, but if it were once ſet on foot, and your Friends aſſiſt it, ſeveral Months would be ſpent before any ſuch Treaty could be ended.

The chief of theſe who managed the Affair, were the Viſcount of *Tarbat* and the Lord *S——s*; your Friends ſoon perceived that they only deſigned to do this as effectually for the Prince of *Orange* by an Union, for all that were for this have conſented to the Prince of *Orange*'s being King, and to all that was done in *England*; thus to free themſelves of the Odium of ſuch a Deed your Majeſty's Buſineſs ſucceeded and ended, then they wanted not Apprehenſions, for your Affairs in *Ireland* were vaſtly magnified both by your Friends and by your Enemies; this Proſpect took extremely with theſe that had a Mind to trim, or were not in Hopes of Employments, but there were two different Intereſts in the Houſe againſt it; for Duke *Hamilton*, and all he had Influence upon, who expected the great Employments for himſelf and Children, as the Reward of his Service; then the bigotted Fanaticks, who feared that ſuch a Union, where the Church of *England* was the ſtrongeſt Party, might be of ill Conſequence to their Kirk, which they deſigned not

only to eſtabliſh upon the old Foot, but according as they did before, endeavour the Reformation of their Brethren in *England*.

The two Parties were by far ſtronger than the Trimmers, eſpecially ſince your Friends would not meddle, ſo that they never ventured to propoſe it publickly; a few Days after they were certain that the Viſcount of *Dundee* had gone by *Sterling* to his own Houſe, they ſent an Herald and a Trumpet to command him and my Lord *L——n* to return, under the Pain of being denounced Rebels to the Eſtate. My Lord *L——n* obeyed, and was immediately diſmiſſed, being then no Member of the Houſe, and having nothing to lay to his Charge; the Viſcount of *Dundee* wrote a Letter excuſing his not obeying their Order, wherein he gave the Reaſons for which he left the Convention, which were, that he could ſtay no longer in that Place, after that he had told in full Convention, of ſo many of his Enemies who deſigned to murder him, yet could have no Juſtice; he told alſo, he could not think that Convention any more free, wherein there were ſo many brought in from the Weſtern Countries to overthrow its Members, nor where they were guarded with Foreign Troops, for juſt at this time *M——y* was come down from *England* with four *Dutch* Regiments; but if they would do him Juſtice, and give him Aſſurance of Liberty, he promiſed to return immediately.

I have given this Account the more full, becauſe it was inſinuated after my Lord *D——e* went to the *Highlands*, that ſeveral of your Friends broke their Engagements to him, and did not go along, but was ſo far from being in any ſuch Engagements, that they would have diſobeyed you if they had gone, for your poſitive Commands were ſent with *G——e H——y*, That if we ſaw there could be nothing done in the Convention, then we ſhould quit it, and keep as quiet as could till farther Orders, and until you could ſend us Aſſiſtance from *Ireland*; but the Deſign of going to *Sterling* made the one go for the other, ſo that was ruined by the Faint-heartedneſs of the Marquis of *Annandale*, and ſome others. All that knew your Commands endeavoured to retire home, and ſave themſelves; nor did ever the Viſcount of *Dundee* reſolve to meddle until he had your Orders, except he had been obliged to ſave himſelf from a Party that came to apprehend him. Notwithſtanding of the Difficulties that your Friends had met with, ſome of them did not give over Hopes of breaking the Deſigns of the Convention, and get another to meet in ſome ſafe Place: That which raiſed this was the coming down of the Duke of *Queenſberry*, the Duke from the Noiſe of the Invaſion had appeared ſincerely in your Intereſt, and muſt do him Juſtice, to ſay I never ſaw any Man more concerned than he was for the Steps his Son made in *England*, after your Majeſty was gone; he joined in all the Meetings we had for your Service, and employed what Intereſt he could to get Commiſſions for the Shires he was concerned in chuſing as we wiſhed; nor could any thing be complained of him, but his too long Stay at *London*, for if all your Friends had appeared as they promiſed the firſt Day of the Convention, they had by far been ſtrongeſt; and if *Scotland* had then declared for you, when you was almoſt Maſter of *Ireland*, the Prince of *Orange* had paſſed his Time ill in *England*, conſidering he had *France* to deal with on the other Side. This made us extremely concerned, ſince that we could do no more in that Convention, either to get another

another to counteract them, or to get them forced from *Edinburgh*, which would have made a great delay before the time they could have another Convention eſtabliſhed, and which they intended to ſet up at *Glaſgow*, if they had been forced from *Edinburgh*. The only Thing could be thought of by all your Friends to get this done, was to engage the Duke of *Gordon* to fire upon the Town; which certainly would have broke the Convention, for they always ſuſpected ſome Deſign of forcing them from *Edinburgh*; in this Reſolution, no Man ſeemed ſo forward as the Marquis of *Annandale*, for it was of great Concern to have him ſo; for after the Earl of *M——r* had entirely quitted us, and by that they had got *Sterling* in their Hands, there was no Man in the Nation (conſidering how all affected his *Highlands* were) could be ſo uſeful, if your Friends had retired Northwards, as was intended, till they had received your Orders from *Ireland*; and that which made us depend on him (for all the Eſcapes he had made) was the great Influence the Earl of *D——e* had with him, and he applied all his Endeavours to keep him to his Duty, and acted in all your Concerns with as much Zeal and Affection (till he was made Priſoner) as any ever ſerved you.

The Counteſs of *E——l*, who had kept Intelligence with Duke *G——n*, from the time the Caſtle was blocked up, undertook to let him know our Advice, which accordingly ſhe did; but he abſolutely refuſed to do any thing but defend himſelf, until ſhe had your Majeſty's Orders; ſo our whole Deſigns were broke, for ſince there was no way found out to make them leave *Edinburgh*, all of us ſeeing that there was no more to be expected either from the Convention, or from thoſe that pretended to be our Friends, left the Town and retired home; ſuch as the Earl of *H——me*, Viſcount of *S——t*, Viſcount of *O——d*, Lord *S——r*, Earl of *S——k*, Earl of *P——e*, Mr. *H—y M——l* his Brother, the Sheriff of *B——e*, ſeveral others. A few Days after the Committee prepared all that was intended in the Convention, but found great Difficulty how to declare the Crown vacant; ſome were for Abdication, as had been done in *England*, but that could not paſs among the moſt violent of them, for it could not be imagined that your Majeſty had left *Scotland*; others were for making uſe of an old obſolete Word, Forfeiting, uſed for a Bird's forſaking her Neſt; but Sir *J—n D——e* ended the Debate, by ſuch Reaſons againſt both, that they agreed to his new Propoſal, which was, That your Majeſty, by committing ſuch Acts as he named, forfeited your Right to the Crown, making this childiſh Diſtinction, that they intended not to forfeit you as a Traitor, but only declare you forfeited; which would make the Affair clear, and take off any Pretenſions the Prince of *Wales* might afterwards have.

This immediately was taken, and voted the next Day by all preſent, except five, the Archbiſhop of *Glaſgow*, Sir *G——e M————e*, Lord *B——e*, Mr. *O——e*, and one *B——h*; all the reſt which did intend to go along, had left the Houſe; after the Crown was declared vacant, Duke *Hamilton* propoſed filling it again; and although, as Preſident, he was not obliged to vote, firſt to declare the Crown vacant, and next that the humble Offer thereof ſhould be made to the Prince and Princeſs of *Orange*.

This was more unanimouſly than the other, for the Duke of *Queenſberry* and Marquis of *Annandale*, who had been abſent from the firſt Vote, came and

assented to the second; and told the House, that they were not fully convinced of their Right, in declaring the Crown vacant; but since they had done it, they acquiesced, and none deserved so well to fill it as the Prince of *Orange*; and afterwards went with the rest to the Market Cross of *Edinburgh*, where they were declared King and Queen of *Scotland*, where the Duke of *Hamilton* to shew his Zeal, did there the meanest Action that ever could be heard tell of in a Duke, for he officiated as Clerk, and read from the Cross to the People the Act of Convention. Next they voted Lord *L——n*, Sir *J—s M——y*, and Sir *J——n D——e*, to carry up their Offer, with their Grievances and Claim of Right, which were the Conditions pretended as giving him the Crown, and that they might be in greater Safety during the Adjournment which they were to make, until they knew whether the Prince and Princess of *Orange* had accepted of their Present.

They voted a full Power to Duke *Hamilton*, to imprison whomsoever he suspected, until the Return should come back, fearing if such a Power were lodged in many, some Advertisements might be given.

The first that found the Effects of this Power was the Viscount of *Dundee*, and myself, occasioned by your Majesty sending over one Mr. *B——e*, with Letters from *Ireland*, wherein you gave us the same Orders that before you had done with Mr. *H——y*; which was to do nothing until your further Orders, and that five hundred Foot and three hundred Horse, which you had ready to send, were landed: These Letters were taken by the Folly of Mr. *B——e*, for he had told all his Business to one Mr. *T——n*, who came over with him out of *Ireland*, on purpose to betray him; and even after he had discovered him to Duke *Hamilton*, and that he was seized on and searched, they could find nothing about him, all his Letters being hid in a false Bottom of his Walleese; nor had they any Suspicion where they were, until he eased all their Minds, by telling all he knew of the Matter, from whom, and to whom he came, which had never been known but by him, the Letters having no Directions. Duke *Hamilton*, by virtue of the Power given him, immediately ordered the Earl of *L——n* to send over one hundred Foot to my Lord *D——e*, and as many to me; but his House being twenty Miles farther off than mine, besides having the River of *Tay* betwixt him and them, and having a good Party of his own Regiment constantly with him, they found it not so safe to apprehend him; but I was taken, and brought to *Edinburgh*, and put in a common Gaol. I had the Liberty of it at first, for some Days that the Convention did not sit; but how soon they met and read the Letters, there were never Men in greater Rage, than generally the whole House was against me. Upon reading of one from the Earl of *M——t* to me, wherein after he had given us Assurance of speedy Relief, he expressed himself much after this, That he wished some had been cut off that he and I spoke about, and then Things had never come to the Push they were at; but when we get the Power again, such should be Hewers of Wood and Drawers of Water. This Duke *Hamilton* took as meaned of himself, but the Earl of *M——s*'s Intentions were in these Expressions, I cannot determine; but to justify him and myself, I do declare, That he never in his Life made the least Insinuation to me of any such Proposition; but whatever he intended by them, nothing could have been more

more to the Prejudice of your Affairs, nor for my Ruin, than this; which did shew, that nothing but Cruelty would be used, if ever your Majesty had returned.

These Letters were printed both in *Scotland* and *England*, and were like to have their designed Effect; for when they were read in the Convention, though I had many Relations there, yet few appeared my Friends, except the Duke of *Queensberry*, which was the more generous in him. And until your Majesty's Departure, I saw his Inclinations sincerely to follow you, for we had been in very ill Terms. He told the House, he doubted not but the Earl of *M——t* had writ these Letters on purpose to ruin me; and if Letters coming to me could be made criminal, it was in the Power of every Man's Enemies to expose him to what he pleased. That which inclined the Duke of *Queensberry* to believe this the more was, that he knew of my concurring with many of your faithful Servants, (notwithstanding of my Friendship and Relation with the Earl of *M———t)* to desire your Majesty by Mr. *L——y*, Captain *C———n*, and *C——n*, who were sent to you to intreat that the Earl of *M———t* should not come along with you; for, at that time, there was never a Man in any Nation so abhorred; insomuch, that whatever came from your Majesty, if he was thought to be the least concerned in it, there needed no more to give all the Isle of *Britain* a Prejudice against it. This, I confess, made many of us desire of your Majesty that he might not come along with you, that there were some that did this out of perfect Pique; I cannot deny but these were but a few to the vast Number that did otherwise sincerely for your Majesty's Service, finding how obnoxious he was to all Parties, nor had he greater Enemies in the Nation; the Generality were Roman Catholicks. Though what the Duke of *Queensberry* said, did shew his Inclinations, yet it did signify nothing to allay Heat; for Duke *Hamilton* told him, he had as little Reason as any to satisfy me, for he doubted not but he himself was also meaned; and generally all of them thought they were comprehended under Hewers of Wood, and Drawers of Water: So I was voted close Prisoner, where I was keeped fourteen Weeks, till after the Castle of *Edinburgh* was surrendered, at which time I was put in there; nor did they limit their Rage and Malice to me, only by all, they thought I was concerned in this, and likewise must feel it; and, to make the greater Noise, they apprehended several Gentlemen, whom they thought my Friends, and put them likewise in common Gaol; and it was proposed by the Earl of *Crawford*, that the Lord *L——r*, who was one of those taken with me, should be made close Prisoner: He said, he was sure (considering the Friendship I had for him) he knew all that was designed, or had been acted in the late Civil Government; but this even Duke *Hamilton* did not incline to, but the other urging it, was brought to a Vote, and carried in the Negative only by three.

The first Thing the new Committee did, was to order that *M——y* should send some Troops of Dragoons about by *Sterling*, to apprehend my Lord *D——s*, who had keeped still at his House of *Disdope*, and at another which he had at the *Glen* of *Ogilvie*; but when he knew of their coming against him, he was obliged to retire, not being near their Number, rather knowing that these Dragoons were so well inclined to your Service, as their Behaviour shewed

ſhewed thereafter; but at this time they were not come to underſtand one another, and ſo knew not their Intentions. A few Days afterwards *M——y* himſelf came into the Country with eight hundred Foot, the *Colcheſter* Regiment of Horſe, and four Troops of Dragoons, which forced *D——e* to retire yet farther Northward, to Duke *Gordon*'s Country, where the Earl of *D———n* met him with ſixty Horſes; but *M——y* being ſo ſtrong, and ſtill purſuing him, that he might not be idle, ſince that he durſt not meddle with *M——y*, he turned from him, and by long Marches through the *Highlands* came down to *Perth*, where the Laird of *B———r* was lying with one of the new-raiſed Troops; and before they had any notice, makes him and ſome other Officers Priſoners, ſeized all their Horſes, and then marched to *Angus*, thinking to ſurprize the Lord *R——o*, who was raiſing another Troop; they not being able to march with what Expedition was requiſite, his Horſes being extreamly fatigued by the long Marches he had made, for at that time there was no Graſs in the Fields, Lord *R——o* had Account of *B——r*'s Misfortune, and ſo had Time to eſcape. Then he marched to the *Highlands*, that he might meet with the Clans in *Lochabber*; where they all met him, or ſent Aſſurances of their Readineſs to join with him for your Majeſty's Service, except the Laird of *M———h*.

Some Days after the Viſcount of *Dundee* took two Expreſſes going from *M———y* to Colonel *R———y*, with Orders to come up through *Athole*, and join him; thus ſeeing he was like to be invironed, chuſed rather to attack one of them before they joined together; and having gathered about two thouſand Men of Foot, with the few Horſes he had, marched ſtreight againſt Colonel *R——y*, who had a commanded Party of twelve hundred Foot of the chief of all their Army; but as ſoon as he had notice of *D——e*'s coming againſt him, immediately retired with that Haſte and Diſorder, that he blew up all his Ammunition, and marched Night and Day till he was out of that Country. *D——e* not being able to overtake him, came and ſtayed ſome Days at *Badenoch*, where he got the Alarm that *M——y* was coming to attack him: That he might know the better the Enemies Strength and Motions, he went with a ſmall Party to view them, leaving the Horſe to the Earl of *D———n*, and the Foot to *L——ll*, who hearing the Enemy were ſtrong in Horſe, which is the only thing that terrifies the *Highlanders*, he drew off from the Ground *D——e* left him on to a ſtronger; but when he came back to draw up his Men to attack *M——y*, thinking to find them where he left them, they were ſo far from it, that the Day was ſpent before they could come in Sight of *M——y*, and before next Morning he was decamped; otherwiſe, it is like *D——e* would have given a good Account of him. Thereafter to have drawn *M——y* to an Engagement, he marched to the Caſtle of *Rivan* in *Badenoch*, into which *M——y* had lately put a Garriſon, and ſummoned the Governor to render the Place, this was on the 29th of *May*; at firſt he refuſed, but when he ſaw all Things ready to attack, he deſired to capitulate, and after ſome Formalities rendred the Place, which *D——e* immediately ordered to be burnt. Afterwards he marched on to find out *M——y*, and was not a little encouraged to it by a Meſſage he got from the Regiment of *Scots* Dragoons, which had been commanded by the Earl of *D----e*, by which they aſſured him of their Readineſs

Readineſs to obey his Orders; before they left *England*, the Soldiers of the Regiment intended to have all quitted, or done as his own Regiment of Horſe did; but being aſſured by ſome of their Officers, and particularly by Captain *M——y* (in whom they had great Confidence) that the Officers only intended to keep together for your Service, and that they never reſolved to ſerve the Prince of *Orange*.

They were perſuaded and came down to *Scotland*, and embraced the firſt Opportunity of ſhewing their Intentions; but the Matter was unfortunately diſcovered by Captain *F——s*, who had been Commander of the Caſtle of *Rivan*, and who, in the way, had ſeen one *P——l*, who was ſent from the Officers coming back from my Lord *D——e*, this he informed *M——y* of as well as *D——e*'s March, which occaſioned him preſently to decamp, ſo that next Morning when he thought to have found *D——e*, where *P——l* had informed him that he lay, he got notice he had marched all the Night, and was got the Length of *Balvenny*; my Lord *D——e*, to get betwixt him and the low Country, marched up *Glenlivet*, and turned down *Strathdon*; but *M——y* getting an Account of his March from *Gordon* to *Edinglaſſie*, retired with all the haſte he could, and *D——e* purſued ſo faſt, that about Four in the Afternoon he came in Sight of *M——y*, but that Place being ſo full of Hills and other Difficulties, it was almoſt Eleven at Night before he got up with him; and having marched in the dark of the Night he loſt Sight of him again, and before next Morning he was twelve Miles off; *D——e* finding his Horſe fatigued, and his Men wearied, went into *Edinglaſſie*'s Parks to refreſh them; where he did not lie above two Days, when he had Intelligence from Priſoners taken, and likewiſe from Officers of the *Scots* Dragoons, that *M——y* was on his March backward to him, being ſtrengthened by Colonel *R——y*'s Dragoons, and an *Engliſh* Regiment of Foot, and being ſtronger in Horſe, *D——e* was obliged to retire, keeping always a ſtrong Rear-Guard, as well from hindering his Men from rabbling, as for any Apprehenſions he had of *M——y*, who made but very ſmall Marches; notwithſtanding of all his Care and ſtrict Commands, it was impoſſible to keep the *Highlanders* from plundering, ſo that eighteen or twenty of them were taken and immediately hanged by *G——n* of *Edinglaſſie*, on the firſt Tree he found.

Thus marching towards *Badenoch*, on the Side of the River *Spey*, they met two hundred of Sir *J——n M——*'s Men coming to join with him, who that Night were like to be cut off by three hundred *Engliſh* Dragoons, who were cloſe on them before they knew they were Enemies; but as ſoon as they perceived them, they threw away their Plaids, as their Cuſtom is, and run up to a Hill, where they drew up; he who commanded the Dragoons finding he could not ride up the Hill, ordered them to light and go up on Foot, which the *Highlanders* no ſooner perceived, but with Sword-in-hand fell down upon them, killed fourteen and a Captain, and put the reſt to Flight; and thereafter came and joined *D——e*, who was marching to *Lochabber*: On the way he met Sir *A——r M——n*, who had brought out of *Argyleſhire* two hundred Men, moſt of them belonging to *L——e M——*; and *G——y*, before he came to *Lochabber*, he diſmiſſed the moſt Part of his *Highlanders* (that Country not being able to maintain them) except thoſe who came along with Sir *A——r M——n*,

M——n, they being far from their own Country; and ſuch as he keeped by him of Horſe and Foot, he punctually paid out of his own Pocket, and kept ſo good Order, that the Country was extremely well ſatisfied, and friendly to him; all the Time he ſtaid there was about two Months. *M——y* finding he could do nothing againſt him in *Lochabber*, went back and diſmiſſed his Troops, to refreſh them in a Summer Quarter. Thus each of them purſued and fled according to their preſent Condition and Strength by Turns.

During the Adjournment of the Convention, all appeared very quiet, though at that time Humours and Diſcontents began to ariſe among themſelves; the Prince of *Orange* not being able to ſatisfy the Pretenſions and Avarice of them all; and thoſe that had appeared early for his Intereſt, and had been the chief Inſtruments of raiſing the Rabble in *Edinburgh*, and had ſhewn their Zeal for him in the Convention, thought they had better Pretenſions than thoſe who came over with him, they having only acted what they had done out of Neceſſity, being for the moſt Part forfeited Perſons.

The Prince of *Orange*, till he got his Buſineſs done, managed both Parties ſo, that each believed he had all to expect; but after the Convention, they quickly found their Miſtake; for not only his own Inclinations were ſo, for thoſe that came over with him, but bent me entirely for them, and got the Lord *M——l*, a Creature of his own, made ſole Secretary of State for *Scotland*; and the Council named, as he had a mind, at leaſt of ſuch as he knew, if they could do him no good they could ſignify as little againſt him, by which his Power would be the greater.

In it were named ſome, more for Shew of their Families, or Eſteem for their Parts; ſuch as the Marquis of *D——s*, Earl of *M——n*, Earl Marſhal, Earl of *E——l*, and Earl of *E——n*; who, though they were not Fanaticks, yet were ſure not to contradict any thing that was to be done; yet this diſſatisfied extremely the Preſbyterians, who now thought they ſhould have been admitted, but ſuch as had given Proof of their Converſion, and ſo inraged ſeveral that had Pretenſions, particularly Sir *J——s M——y*, who thought nothing leſs due to his Merit, than to be Secretary; Duke *Hamilton* was little better ſatisfied to ſee that all the Employments were neither at his Diſpoſal, nor given to his Children and Friends, for whom he had made ſo many fruitleſs Attempts, both in your Brother's Reign and in your own. But the Diſcontents and Jealouſies were generally known; yet they did not publickly declare againſt one another, till at the firſt Seſſion of their Parliament, in *June* 1689, where Duke *Hamilton* was Commiſſioner, and the Earl of *C——d* Preſident. In it they confirmed all that the Convention had done, declared Epiſcopacy a Grievance, and made a new Oath of Allegiance, and made all the Epiſcopal Clergy to pray for the Prince of *Orange* as King, and the Princeſs as Queen, under Pain of loſing their Benefices.

A Bill was brought in and preſented by the Earl of *M——n*, for incapacitating all thoſe who had Employments in the late Civil Government, from having any ever again; but this comprehended ſo many of themſelves, that it was thought fit to lay it aſide; nor was there much Notice taken of it by any Party, all knowing it could not be his own Deed, but put upon him by

ſome

ſome that thought ſo poor a Creature a good Inſtrument, being a Man of Quality, to try how it would take; they were thus buſy in your Parliament about the Middle of *July*. The Lord *M——y* Son to the Marquis of *Annandale*, went up to the *Highlands*, where his Father's Intereſt lay, and raiſed about twelve hundred Men, pretending only to look after the Peace of the Country; but *B——ne*, Gentleman of the Name of *S——t*, found out his Intentions, and gave notice of it to the Viſcount of *D——e*. This Gentleman, though he had always been a Dependant upon the Marquis of *Annandale*, yet preferred his Duty to your Majeſty, to any Obligation he had to that Family, and by the Viſcount of *D——e*'s Order, he put himſelf in the Caſtle of *Blair*, and when my Lord *M——y* required him to deliver it up, he anſwered, That he kept it by the General's Orders for the King's Service; but not finding himſelf in a Condition to reduce the Place, ſent to *M——y* to let him know his Houſe was kept out againſt him, and deſired his Aſſiſtance, which made *M——y* draw together as quickly as he could poſſibly about four thouſand Foot, and two Troops of Horſe, and marched ſtrait forward to *Athole*, *D——ee* ſaw well the Conſequence of loſing that Place; for if once reduced, all other Intelligence, with any Part in the *Highlands*, would be cut off, and that Country rendred incapable to aſſiſt, whom he confided moſt in of all the *Highlands*: Therefore, to prevent it, he ordered a Rendezvous of all the Clans, and got together near two thouſand Foot, and the few Horſe he had kept together; and having already wrote ſeveral times to my Lord *M——y* without any Return, he ſent Major *W—m G——m*, and Captain *R——y*, to lay before him the Honour and Advantage he might procure to himſelf and Family, if he would heartily join with him for your Majeſty's Service, and how eaſy it would be for them to reduce all your Enemies in *Scotland*; for if they got but the leaſt Advantage of your Enemies, and ſucceeded, all the World ſhould know your Majeſty owed ſuch a Service to him only; but if he refuſed this favourable Opportunity at his Door; he was a little moved with both theſe Arguments, and would not ſo much as ſee theſe Gentlemen, nor give them an Anſwer.

Theſe Men he had raiſed were of another Humour, and began to ſuſpect, by his refuſing to ſee theſe Gentlemen, that his Deſigns were not for your Majeſty's Service: So all with one Voice deſired to know his Reſolutions, and that if he would join with *D——ee*, they would all follow him; and if otherwiſe, they would quit him.

The great Subjection which the Heads of Clans had over their Vaſſals, made him believe he would reduce them with Threatnings; but they continued firm to their Reſolutions, and perceived plainly his Intentions: So they filled their Bonnets with Water, and drank your Health, and ſo left him.

He went ſtrait and met *M——y*, and gave him an Account of the Condition of that Country, and what had befallen him. Juſt as the Viſcount of *D——ee* was going down to *Athole*, Major-General *C——n* came from *Ireland* with three hundred Men newly raiſed. Their Arrival would have been very ſeaſonable, if two Accidents had not happened, which did *D——ee* by their coming more Harm than Good. 1. He had been daily promiſed by the Earl of *M——t*, that a conſiderable Body, both of Horſe and Foot, ſhould be ſent with Ammunition, and all other Neceſſaries, which they were in great

want of, by which many of the beſt Gentlemen, that had followed him for ſeveral Weeks, had not ſeen Bread, Salt nor Drink, except Water. Inſtead of this, the Clans ſaw all their Expectations reduced to three hundred Men, who were in as great want as themſelves, which diſcouraged them extremely. Next, the Loſs of ſome Proviſions, as Bread, Beer and Cheeſe, which was coming to them, Colonel *C——e* having made the Ships (in which it was) lie too long at *Mull*, ſo that the *Engliſh* Frigates came and took them; but notwithſtanding of thoſe Diſcouragements, my Lord *D———e* reſolved to ſuccour the Caſtle of *Blair*.

So about the End of *July*, he marched to *Athole*; when he came to the Caſtle, he called a Council of War, having had Intelligence that *M———y* was entering by a narrow Paſſage into that Country, called *Killorankie*, many of theſe Clans, and other Officers, were maintaining that Paſs that *M——y* ſhould not enter that way, becauſe they thought themſelves not yet ſtrong enough to encounter him; and that their great Rendezvous was only to be in two Days after, when they would be much ſtronger. But *D——ee* ſoon convinced them, that, in all appearance, he had a very fair Opportunity, *M——y* having then only two Troops of Horſe with him; but, if he delayed, he would quickly bring up the *Engliſh* Dragoons, which is the only thing the *Highlanders* are afraid of: So it was reſolved on, to let *M——y* enter the Paſs, and fight him at the Diſadvantage of double their Number, rather than to ſtay till his Cavalry joined with him. *M——y* having ordered his Battle all on one Line without any Reſerve, and having drawn up his Field Battalions only three Men deep, which made a very long Front, my Lord *D——e* perceiving this, was neceſſitated to change his Order of Battle, and to enlarge his Interval, that he would not be too much outwing'd. This conſumed a great Part of the Afternoon; but having put all Things in as good Order as he could, marched down to attack the Enemy. The *Highlanders* endured their Fire with a great deal of Courage, without once firing till they were cloſe upon them, and then they delivered their Fire, and preſently thereafter, with Sword and Target in Hand, they broke in among them; and they not being uſed with this way of Fighting, fell into ſuch a Conſternation, that they defended themſelves but faintly. My Lord *D——e* charged upon the few Horſes he had: The *Engliſh* Horſe ran at firſt, without firing hardly a Shot: So he ordered his Horſe to follow him to attack their Cannon, and *W——m N———e*, who had produced his Commiſſion only that Morning, to be a Colonel of a Regiment of Horſe, got the Command to the great Diſſatisfaction of the Earl of *D——n*, and many other Gentlemen, who thought themſelves injured, yet had that Reſpect for your Majeſty's Service as to make no Diſpute for it at ſo critical a Time; he marched at ſo ſlow a Pace after my Lord *D———e*, that when he was come near the Cannon, he found himſelf alone, which made him call for them to advance more quickly; but Sir *William* not being too forward, the Earl of *D——n*, who was only riding Volunteer, rode out of the Ranks and followed with about ſixteen other Gentlemen, beat the Enemies from the Cannon, and took them before the reſt of the Horſe came up; when *D——e* ſaw the Cannon taken, the Enemies Horſe fled, and his Horſe broke in through *M———y*'s own Regiment, he rode up to bring down *D——d M———d*'s Regiment, who had ſhewn ſo great Reſolution as

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the reſt of the *Highlanders*, and unhappily by the way received a Shot in his right Side immediately below his Armour; he ſtrove to ride off a little, but was not able, and fell from off his Horſe, though the *Highlanders* had charged with admirable Courage, making the Enemy run wherever they came; yet they were ſo overcome by the Spoil, that ſo ſoon as they came among the Enemies Baggage, they ſtopped there, and by that loſt the Fruit of the Victory; for by this means *M——y* and ſeveral others eſcaped, which was impoſſible for them to be done, if they had been quickly perceived; beſides there were two Regiments, *viz.* Colonel *H——s*'s and Lord *L——s*'s, who had been but little engaged; if theſe had had Reſolution, they might eaſily have fallen upon the *Highlanders* while they were intent about the Spoil, and ſo quite changed the Fate of the Day, but both neglected their Opportunities; theſe two Regiments were in ſuch a Conſternation that they knew not what to do, but took the Benefit of the Darkneſs of the Night to march off and make their Eſcape, though many of them fell by the way, being attacked by ſome of the *Athole* Men as they were paſſing *Killicrankie*; *M——y* fled towards *Sterling*, where he arrived the next Day with not above two hundred of his Men; he loſt above two thouſand on the Spot, and about five hundred were taken Priſoners. Never was there a more entire Victory gained; yet your Affairs, I muſt ſay, ſuffered Prejudice by it, conſidering the great Loſs of the Viſcount of *D——e*, who was the Man moſt proper for any ſuch Undertaking in the Nation, for he very well underſtood the different Tempers of thoſe he had to deal with; and knew well when, and to whom it was fit to ſhew Kindneſs, and alſo when to uſe Roughneſs without Severity; and though he was naturally more ſparing of his Money, than profuſe, yet wherever your Majeſty's Service or Ambition prompted he ſtuck at nothing, but diſtributed frankly whatever he could command, which gained him entirely the Hearts of thoſe who followed him, and brought him into ſuch a Reputation, that if he had ſurvived that Day, in all probability he would have given ſuch a Turn to your Affairs, that the Prince of *Orange* could neither have gone nor ſent into *Ireland*; by which your Majeſty would have been entire Maſter of that Kingdom, and in a Condition to have landed what Forces you pleaſed in *Scotland*, which was the only thing all your Friends moſt deſired.

Next Day after the Fight, an Officer riding by the Place where my Lord *D——e* fell, found lying there a Bundle of Papers and Commiſſions, which he had about him; thoſe who ſtripped him thought them but of ſmall Concern, that they left them there lying: This Officer, a little after, did ſhew them to ſeveral of your Friends; among which there was one Paper did no ſmall Prejudice to your Affairs, and would have done much more, had it not been carefully ſuppreſſed; it was a Letter of the Earl of *M——t*'s to my Lord *D——e*, when he ſent him over your Majeſty's Declaration, in which was contained not only an Indemnity but a Tolerance for all Perſuaſions; this the Earl of *M——t* believed would be checking to *D——e*, conſidering his great Hatred to Fanaticks; for he writes, that notwithſtanding of what was promiſed in your Declaration, Indemnity and Indulgence, yet he had couched Things ſo that you would break them when you pleaſed, nor would you think yourſelf obliged to ſtand to them; this not only diſſatisfied him, but alſo many of your

Friends, who thought a more ingenious way of dealing better both for your Honour and Interest. Never were Men in such a Consternation, as Duke *Hamilton* and the rest of the Parliament then at *Edinburgh*, when they heard from these that fled the Defeat of *M——y*, some were for retiring into *Ireland*, others into the Western Shires of *Scotland*; nor knew they whether to abandon the Government, or stay a few Days until they saw if my Lord *D——e* came nearer, for they never imagined he was killed; then they considered to set at Liberty all Prisoners, or to make them more close; the last was resolved on. So we were all shut up; but though all Liberty was debarred us of seeing our Friends, yet we never had so many Visits of your Enemies, all making Excuses for what had passed, protesting they always wished us well, as we should see whenever they had the opportunity.

The Fright of those who fled augmented their own Loss, for Colonel *L——r*, and several others, to excuse themselves, told all was cut off, when a few Days after, several came to *Edinburgh*, who they said had been killed; and there being no noise of the Viscount of *D——e*'s advancing forward, they began to take little more Heart, and soon after they got notice of his Death, which put them out of all Apprehension; for they knew very well there was none in the Army could make use of the Victory, which soon appeared after that Colonel *C——n* took the Command on him, and he not only delayed marching down the Country for several Days, but the first Thing he undertook failed, and his Party baffled, and several of them killed and made Prisoners, only occasioned by Loss of Time.

When he came to *Dunkell*, he had Intelligence that the Enemy had left some Provisions at St. *John's-town*, so he commanded a Party to go and bring what was necessary for them.

M——y had notice sent him at *Sterling* from the Laird of *W——m*, of *D——e*'s Death, and the bad Order the *Highland* Army was in; whereupon he presently marched with about three thousand Horse and Dragoons towards St. *John's-town*; *C——n*'s Party were then in the Town, and done all they came for, so were surprised; notwithstanding of this hard Beginning, *C——n* got together three thousand Men and Horses, and would have gotten many more had it not been for this unlucky Undertaking at the Beginning of his Command.

After this *M——y* advanced toward *C——n*, who not daring to meet such a Body of Horse in the plain Country, was obliged to take himself to the Mountains, making round the Skirts of the *Highlands*, while *M——y* was marching on the plain Ground, every Day in Sight of the other, and exchanging Bravadoes to fight; but the one durst as little go up to the high Ground, as the other durst venture down to the Plain; at this rate they kept together for a Month's Time, until *C——n* got Intelligence that twelve hundred of these called *Cameronians* were come to *Dunkell*, with a Design to destroy the Country of *Athole*, he marched back with all haste to them, and before they had any notice of his March, was so near them, that they could not retire, but were forced to get into the Marquis of *Annandale*'s House to defend themselves; which they could never have been able to do, had not Colonel *C——n* committed great Oversights, for when he came to fire his Cannons against the Place,

Place, he had not ſo many Balls as Cannons, (although there were many taken, with *M——y*'s Cannon at *Killicrankie.*) This did ſo encourage the *Cameronians*, that notwithſtanding their Commander *C——d* was killed, who was extremely brave, yet they continued to defend themſelves ſo well, that Colonel *C——n* was forced to retire for want of Ammunition, as well as Cannon-Ball, with great Loſs both of his Men and Reputation: From that time the *Highlanders* were much diſcouraged, and the Seaſon of the Year far advanced, moſt of them went home, the *Iriſh* and ſome Gentlemen remaining, who had joined with him, and knew not where to retire.

Thus all the Hopes of your Friends were quickly daſhed, and your Enemies more and more encouraged, and ſo had Leiſure to finiſh their Seſſion of Parliament; which, notwithſtanding, ended with ſo little Satisfaction to all Parties in it, that moſt of them ran to *London*, ſome to complain that theſe Things had not been performed, that the Prince of *Orange* promiſed when he came to the Crown; others to defend themſelves, for there were great Animoſities among them, particularly againſt the Lord *S——r*, who though always he had been Fanatick, yet was generally abhorred among them as they ſaid, being a Man neither of Religion nor Honour; beſides he had complied with all Governments, and had taken all Oaths and Engagements that were a going for fifty Years before, and was Contriver of Seals of them, yet never was faithful to any Party.

The Favours done by the Prince of *Orange* to the Lord *S——s*, and his Son, and theſe other Things not done in Parliament, which he expected, made many diſſatisfied; but to take off the Odium of the laſt, and to ſhew he was not to blame for their not having all they deſired in Parliament, he cauſed to be printed all his Inſtructions to Duke *Hamilton*, and laid all the Fault on him, which he moſt patiently ſuffered, and might very well have juſtified it, ſince all he had neglected to do was to ſatisfy the moſt bigotted Fanaticks, in not ſettling Religion as they would have it, and whereabout they could not agree among themſelves, ſo it was delayed.

The next Thing was, the not reſtoring the forfeited Eſtates, which indeed Duke *Hamilton* thought unjuſt, but not the leſs that his Son and Brother were ſo much concerned, being in Poſſeſſion of two of the beſt of them, by a Gift from your Majeſty; but to do him Juſtice, he was not for going ſuch a Length of Extravagancies and Cruelty, as theſe inraged Fanatick Rebels, who came over with the Prince of *Orange*, which made the moſt Part of them his Enemies, until they took a general Hatred at *M——ll.* This made them join together more for Intereſt than Inclination, others went up to get the Rewards of their Services; but finding themſelves diſappointed of theſe Employments which they thought due to their Merit, quite broke off from the reſt; though to cover their Deſign the better, they continued ſtill the moſt bigotted of the Party. The chief of theſe were Sir *James M——y*, Earl of *A——e*, Lord *R——s*, Mr. *William H——n*, and Mr. *James O——e*, who at firſt in the Convention had behaved himſelf very well; but by great Promiſes made him by Duke *Hamilton* he went over to him, and finding himſelf diſappointed, joined again at *London*, in all was propoſed him for your Majeſty's Service by Sir *James M——y*, who managed the reſt as he pleaſed, and having got acquainted with

with Mr. *F——n*, Mr. *P——e*, Captain *W——n*, and some others that were in your Interest, engaged not only for himself, but for the others without their Knowledge, trusting to his Power over them. The first of his own Set he proposed his Design to, was the Earl of *A——e* his Brother-in-Law, whom he found very frank, as he always was, when the Change of a Party was offered, then the Lord *R—s*, and laid before them two, the Ingratitude of the Prince of *Orange* in not giving you Employments, and the great Offers made by your Friends, if they would return to their Duty.

He wanted not Encouragement to say so, for Mr. *P——e* had promised him all that his Ambition, Vanity or Avarice could suggest; nor were there ever two better matched than Mr. *P—e* and Sir *James M——y*, for Mr. *P—e* made him believe that he could dispose both of Titles, of Honour, Employments, *&c.* and Money as he pleased; and the other imposed so far upon him, as to make him believe he was able to turn the whole Nation with a Speech to do whatsoever he proposed.

After they had concerted their Affairs together, and disposed of every thing according to their Fancies, they proposed their Resolutions of serving you to the Earl of *A—n*, then Prisoner in the Tower of *London*, who embraced it most willingly, judging it, that to get these who had been most eminent against you to come over, could not but make a considerable Interest. The next Step they made, was to send one over to your Majesty, with the Offer of their Service, and Advice how all Things should be disposed of, though they found a Messenger fit for their Affair (called Mr. *J—s*,) yet they had great difficulty how to get their Commissions, Titles of Honour and Instructions to the Parliament, worded according to Form, for none of them knew any thing of the Matter; but Sir *Andrew F——r*, who gave Doubles of all they desired to Mr. *F——n*, without knowing any thing of them, believing it could not be but for your Majesty's Service, since the Earl of *A——n* was concerned in it after they had dispatched their Messenger, with all his Instructions, and having nothing to do until his Return, Sir *James* and Mr. *F——n* being openly declared Enemies to the Lord *M——d*, wrote a Pamphlet, which they called, *The Grievances*: It gave great Offence, and broke Sir *James* for ever with the Prince of *Orange*, and all his Favourites. In which was laid open all their Follies and Breach of Promises, with all the Bitterness Mr. *F——n*'s Pen was capable of, who had been in constant Use of such Undertakings for many Years.

The Winter 1689, was thus spent at *London* in their private Councils, which made the Prince of *Orange* so weary of both Sides, that he told Duke *Hamilton*, that he was so much troubled about their Debates, that he wished he were a thousand Miles from *England*, and that he were never King of it. Duke *Hamilton*, though he was extremely both the Lord *M—ll*'s and *S—s*'s Enemy, who were the chief Cause of these Debates, yet they went not publickly to the Meetings of your Enemies, which was then called the Club, but lived in outward Civility with all till the Spring, that Lord *M----ll* came down Commissioner, while they were thus hot upon their Debates at *London*. The Council of *Scotland*, where the Earl of *C-----d* constantly preceded, without any Commission, was very busy with the Episcopal Clergy, who had not prayed for

for the Prince and Princeſs of *Orange*, as was ordered by the laſt Seſſion of Parliament, a great many were ſummoned before the Council, and upon their Refuſal turned out, others who would have complied, and alſo made appear by their Defences, that it was impoſſible for them to be informed of the Order in ſo ſhort a Time, were likewiſe turned out.

His Zeal carrying all Things before him, and the reſt complying with all that he propoſed; ſo that by the Council, the Rabble and their new levied Dragoons the worſt of either, there were but very few in their Churches before the next Spring, ſave ſome that were willing to comply with every thing, which rendred them contemptible even to their Enemies.

All that Winter Colonel *C-----n* lived quietly in *Lochabber*, your Major ſent over Major-General *B———n* next Spring; ſo ſoon as he came, there was a Meeting of all the Chief of the Clans, and other Officers, who were there, to conſider then what was fit to be done in that Meeting.

It was propoſed by ſome, that ſince they ſaid themſelves, out of all Hopes of Relief, which had been promiſed them, that then they ſhould endeavour to make the beſt Capitulation for themſelves they could. But Sir *E—n C-----n* of *Lochyeall*, who had great Influence among the reſt, got them to change that Reſolution, until firſt they had your Majeſty's Orders; telling them, that in your Brother's Service he had been reduced to far greater Straits than ever they were, and would never capitulate, until he got the King and General's Orders to do it; and that for his Part, he was never reſolved to hearken to any Conditions without your Warrant; and that he believed it would be a Scandal to them in the *Highlands* to think of capitulating, ſo long as your Majeſty was in *Ireland* at the Head of an Army, and had ſo many Friends in *Britain*, who pretended to be willing to ſerve you; whereupon they all agreed willingly to what he had ſaid, and it was reſolved, That (until the Seaſon of the Year was a little better advanced, and the Seed might be thrown into the Ground before they made a general Rendezvous into the Fields, and that their Friends in the low Countries might come and join them) Major-General *B-----n* ſhould have a Detachment of one thouſand two hundred Foot to go down to the Borders of the low Country, to amuſe the Enemy and fatigue their Troops, by alarming them in ſeveral of their Quarters. Immediately he marched with them down *Strathſpey*, and continued there without doing any thing, till they were ſurpriſed at *Gromdale* by Sir *Thomas L----n*, about the Beginning of *May*.

The Spring being far advanced, and the Money that was laid on in the then laſt Seſſion of Parliament exhauſted; this put the Prince of *Orange* to great Difficulties, either to grant the extravagant Demands urged by Sir *J—s M———y* and thoſe of his Party, or to let all the Army, which conſiſted of near ten thouſand Men, be abſolutely ruined for want of Pay. The more the Club Party ſaw him ſtraitned, the more they augmented their Pretenſions; and being in this Neceſſity, he ſeemed to yield to their Demands, ſending my Lord *M-----l* down with Inſtructions to grant theſe Things, yet only in caſe he could do no better, and ſo imminent Danger from your Friends, which gave him a Pretext for yielding to ſeveral Things in Parliament, above his Inſtructions, and contrary to the Prince of *Orange*'s Inclinations; (this was after the

Treachery

Treachery of ſome of our Number that had ruined all) and for which he would have been in Diſgrace, if the Villainy of thoſe who made the Diſcovery of what was intended for your Service, had not brought him off ſerving as a Prince of abſolute Neceſſity; for what he hid for ſeveral Months before the Parliament had been adjourned from time to time. This put the Fanaticks, and theſe who were to have their Eſtates reſtored, in a mighty Rage; that they began to doubt of his Intentions, either to eſtabliſh their Religion, or to reſtore their Eſtates to them; but ſeeing the Lord *M----l* was named Commiſſioner, and preparing to go down, they all took leave, moſt part very diſcontent.

The Prince of *Orange* not having it in his Power to ſatisfy the third Part of theſe Pretenders.

Having ended their Affairs at *London*, both Sides haſted down to *Scotland*, to ſecure their Party: Such Members as had ſtaid there was only Sir *James M-------y*, who was the chief Manager of this Party, who for ſome Weeks ſtaid behind and imparted his Deſign to ſeveral of your Friends there, who ſo believed him and truſted ſo much to his Undertaking, that he had eleven hundred Guineas given him by Mr. *A----n* to advance the Intereſt, but the Marquis of *A-----ll*, to whom Sir *James* had imparted all his Intentions, got the carrying of them down, and made his own uſe of them, as ſhall be made appear. Of all that had paſſed among the Club Party at *London*, and of their Intentions to ſerve your Majeſty, nothing was known in *Scotland* among your Friends, until the Earl of *Argyle* and Lord *Roſs* came down; they openly exclaimed againſt the Uſage they had met with from the Prince of *Orange*, but there was little notice taken of it, conſidering too Unfitneſs of their Temper, until the whole Set did the ſame: Their Diſcourſes made your Friends hope, ſome Uſe might be made of their Diviſions, and ſo made them live more friendly with them than formerly. The Earl of *Argyle*, as he was always the moſt forward of his Party, ſo in this he was the firſt that propoſed the whole Affair to the Earl of *D——e*, and me, then in the Caſtle of *Edinburgh*. He ſaid, that I of all Men living, had leaſt reaſon to believe what he was about to tell me, conſidering how he had uſed me in the Convention, in leaving us abruptly, and becoming the moſt violent againſt us; he acknowledged his Fault, and wiſhed that the Blood of his Body could waſh off the Stains of his paſt Miſcarriages both to his King and Friends, and hoped that theſe Misfortunes ſhould for the future ſerve as ſo many Beacons to warn him to avoid the like in time coming, with a great deal more of this Sort, which he ſpoke with ſo much Paſſion and Appearance of Sincerity, that we were but too ſoon taken with it, and were the more eaſily deceived, as being glad to find any returning to their Duty; he told us likewiſe, that he entirely confided in us, and put his Life and Fortune in our Hands, without pretending any Truſt from us, only deſired we might live in Friendſhip till the Marquis of *Annandale*, Duke of *Queenſberry*, Earl of *A----n*, Viſcount of *Tarbat*, and Sir *James M-----y* ſhould come to Town, who would inform us of all that had paſſed at *London*; and ſince they had received your Majeſty's Pardon for what was paſt, and now venturing their Lives to ſerve you, they expected all your Friends would

would join heartily in the common Cause to ruin the Prince of *Orange*, and restore your Majesty.

A few Weeks after, the Lord *D----re*, and we had our Liberty, my Lord *M-----ll* came down, and all the Parliament Members met, but were adjourned for a Fortnight. This gave time to the Club Party to be industrious with your Friends, to come in and join with them for settling Religion and the Peace of the Nation, as they pretended, for any Design for your Majesty's Service was to be kept secret amongst a few. The Difficulties were extraordinary how to reconcile such different Interests, Tempers and Persuasions, as were that of your Friends and the Club Party, for they both in Convention and Parliament had been the most violent against your Majesty and your Friends: Besides, their whole Design at the Bottom, was for the Height of Violence and Oppression; for their greatest Quarrel at the Priace of *Orange*, was for not suffering them to go to all the Extravagancies of their Religion and Revenge, which is so mingled together, that it is hard to know the one from the other; and they were likewise divided among themselves, for none, except *James* Lord *Ross*, Earl of *Argyle*, and Mr. *O——e*, were to know of any Resolution to serve your Majesty; and Duke *Hamilton* and his Followers had no design but the Ruin of the Lord *M———l*, and *S——s*, and to get the Session filled with his own Creatures, having at that time many Law-Suits in hand; but though they had all different Designs, yet they all agreed in this, That nothing could be done, except your Friends could be persuaded to join, without they saw Lord *M——l* and *S—s*'s Party could be too strong for them, having all the profitable Employments and Session in their Hands.

Sir *James M----y* undertook to manage this Affair, pretending he knew the Inclination of a great many of your Friends, who would join with any Party to ruin the Lord *M--l* and *S----s*, and keep publick Burdens to be employed in Parliament, and to oblige the Prince of *Orange* to establish the Session, according to the Claim of Right voted in the Convention, and to have a *Habeas Corpus*, and Freedom of Speech in Parliament. These were the Pretexts he made use of, which were so taking with the most bigotted Part of them, that they doubted not to get these Acts passed, if we would join with them in all other Demands, which were to have the Presbyterian Government established at its Height of Power, the King's Supremacy, and the Committee of Parliament called the Articles (which was already voted in the Convention a Grievance) taken away; thus by the Quality of them was believed at first to be all the Design, without knowing in the least that it was only to make them disobliged at the Prince of *Orange*, if he should refuse their Demands, and to try next if your Majesty would grant them, for all Kings just or unjust are alike to them.

To all your Friends it was very evident, how great an Advantage might be had, by joining with the violent Party, for by that we thought our selves sure of breaking their Arm, which consisted of about ten thousand Men, and which must be immediately disbanded, when they saw the Parliament establish no Fund, neither for paying their Arrears nor Subsistence, and all have gone in Confusion; and your Majesty being then in *Ireland*, and the *Highlanders* in

a better Diſpoſition to riſe, it were eaſy to make a good Uſe of their Diſorders.

Sir *James*, in the firſt Meeting we had with him, laid out the great Advantages your Intereſt could obtain, if this ſucceeded. The Strength of his own Party, and all the Influence he had over them. He told us likewiſe of their ſending a Meſſenger to your Majeſty, with Aſſurances of their returning to their Duty; but ſaid nothing of the Inſtructions, Commiſſions and pernicious Advices he had ſent along, believing (as undoubtedly) it would have hindered us from joining with them; for by this we ſhould have clearly ſeen it was only trying to make a better Bargain for themſelves made them change Parties, and not out of any Sentiments of Conviction, for having done amiſs; but though it was very evident to us what Diſorders we would make among our Enemies, and what Profit to your Party by going into the Parliament, yet to join with our mortal Enemies, only to make the one half ruin the other, and to take the Oath of Allegiance to an Uſurper, and to comply with them in Things that had always been againſt our Principles, were ſo hard to get over, that ſome of us had greater Difficulties to overcome them; nor even could any have done it, but the great Deſire we had to be Inſtruments of your Majeſty's Reſtoration, and Ruin of your Enemies.

There were two Things that made us very willingly to join with them, the Marquis of *A——l* and the Earl of *A-----n* aſſerted your Majeſty's knowing the Deſign and approving of it, ſo far as to be convinced at that time, you thought it the greateſt Piece of Service could be done you; next, the Viſcount of *Tarbat* aſſuring us particularly, that the Prince of *Orange* was fully reſolved never to grant any of theſe Demands, which he knew the Club Party intended to propoſe in Parliament. And being ſure of their firm Reſolution never to grant any thing, except they obtained all they deſired; we could not doubt to obtain all we pretended, which was the Diſſolution of the Parliament. Nor could it be imagined but Lord *Tarbat* wiſhed it as well as we, though on different Motives, for then he was entirely in the Prince of *Orange*'s Intereſt, and truſted more by him than any of the Nation, inſomuch that at his coming from *London* he had a Truſt given him, that few Subjects ever had the like, for he had a full Power to make a Ceſſation of Arms, or Peace, with the *Highlanders*, and to diſpoſe of twenty thouſand Pounds *Sterling*, as he thought fit for the Prince of *Orange*'s Service, and three Titles of Honour to whom he pleaſed; and was to give Account of all that paſſed in Parliament, and had full Power to adjourn or diſſolve, as he thought fit; but though he had all this Truſt, and might diſſolve the Parliament when he pleaſed, yet he durſt not venture it; and though he had more Enemies, there were more afraid of its ſitting, than any of your Servants; yet though he could get it eaſier done, and with leſs Hazard to himſelf, by the high Hand of the Club Party, and which would have the ſame Effect to ſecure himſelf and inrage the Prince of *Orange* at his Enemies.

Theſe Conſiderations made him take more pains underhand than any, to engage your Friends with the Club Party, and to get them to come to the Parliament. To ſome who believed him, he ſaid he deſigned nothing but your Service; but to others, that it was for the Good of the Nation, by obtaining

ing Acts that would be so benficial to it, being thus made believe that your Majesty liked the Proposition, and Hopes of doing what he designed, made us resolve, notwithstanding of all our Scruples, not only to join with the Club Party, but to use all the Endeavours to persuade our Friends, and all those we had any influence upon to do the like; which succeeded as we could wish, for most Part of all who had continued firm to your Interest, resolved to follow our Example, without desiring to know the Bottom of that secret Correspondence we had with the Club Party; some there were that made Difficulty, the Earl of *H——e*, the Earl of *L——e*, Lord *O——d*, Lord *S——t*, and the Master of *B——e*; but their Reasons were out of Apprehensions of betraying and yielding to the Prince of *Orange*, than any other Scruples, though I doubt but some of them had their Reasons, and so might they very justly, considering how nice a Point it was; others appeared resolved, and engaged fairly, but when the Time of the sitting down of the Parliament drew nigh, they absented themselves, which gave great encouragement to Lord *M——l* and all his Party to meet in Parliament, who were in such Apprehensions of Success before, that several Times he was resolved to dissolve it, and to take a venture of another; but when they saw that several of your Friends drew back, and had secured to themselves several Votes, by dividing the Office of every Register in six, and giving each a Vote, and one for a Treasurer depute; and by giving Money to some, and Promises of Employments to others, they so strengthened their Party, that they again took heart and resolved then to begin their Parliament, which sat down the Day of *April*, 1690; but notwithstanding all the sinister Courses that were taken to procure Votes, never were Men in such Apprehensions and Fears as was Lord *M——l* and all his Friends, for they not only saw the Danger of their whole Party if they succeeded not, but immediate Ruin to themselves from the Prince of *Orange*, to whom they had so fairly undertaken, after that he had read over the Speech that he had got made for him, and that his President the Earl of *C——d* had made another, all taken from the old Prophets, which he applied to the Occasion, as of *Ezra* and *Nehemiah*'s building again the Temple of *Jerusalem:* They brought in a Vote about the Election of a Burgh, only to know their Strength, which found above their Expectation; they carried it but by six or seven, which makes a Demonstration, that if these of your Friends which engaged to us had not failed, we had out-voted them in that, and so consequently had all our Design; for it was firmly resolved among them, that if they had lost that Vote, though of no consequence, they would have adjourned the Parliament next Day; but gaining it, they took heart, and that which befel your Friends in the Convention happened just again; for several who pretended to be our Friends when they thought us strongest, left us immediately, and joined with the other Party: Sir *James M——y* also failed, and several also he had engaged, for believing his Interest far greater with them than truly it was, so from that Minute we lost Hopes of doing any Good; but seeing we had once made such a Step, we resolved to stay in the House, though it should be for nothing but to hinder them from going on so fast in their Design of forfeiting all those who had appeared for your Majesty, and the giving Money as soon as they intended to support their

Forces and Government, but never Men made a more miſerable Figure in any Meeting, than your Friends did in this, after they ſaw themſelves abandoned and out-voted in every thing, they had nothing to do but to ſit and hear Duke *Hamilton* bawl and bluſter, according to his uſual Cuſtom, and then acquieſced to all that was propoſed; and Sir *James M——y* and Sir *John D——e* ſcolded like Kail-Wives, that Rogue, Villain and Liar were their uſual Terms; theſe two were the chief Managers of both Sides, Sir *John* pretending to mention the King's Prerogative, Sir *James* the Liberty of the Subjects and Claim of Right, and though he was never bred with ſuch Undertakings, yet with Abundance of Confidence and Eloquence he managed the Affair, and if he had but wanted, Sir *John D——e* and your Friends had not been very indifferent, who had loſt or won; after they ſaw all their Deſigns deſperate, he had undoubtedly put them to greater Straits, for the Things he urged were very popular, and agreeable to the Inclinations of many of the Members, notwithſtanding of all Diſappointments, we were ſtill to make them break among themſelves, by propoſing what we thought never would be granted; but in this alſo we were diſappointed, for my Lord *M——l*, to juſtify what he and his Party had ſo great a deſire to do, but durſt not adventure before, having got the Pretext of the imminent Danger of both the Prince of *Orange* and *Kam*, were in, by the ſecret Plots and Contrivances of your Majeſty's Friends yielded to all that was demanded in his Inſtructions, he was allowed to paſs what Acts of Parliament he ſhould think fit, and eſtabliſh what Form of Government they liked beſt.

Several Days paſſed without daring to mention Presbytery, though moſt there deſired it, knowing that it was contrary to the Prince of *Orange*'s Inclinations, who feared the Conſequence it might have in *England*; beſides he liked it beſt to have undetermined till his Affairs were better eſtabliſhed, that he might keep both Parties in Hopes; but Sir *James*, in a fair ſet Speech, ſpoke out what they all wiſhed generally, but feared to name, and that he knew there were Inſtructions for ſettling Religion; and he ſaid he thought it was a ſhame for that Meeting, it was not yet done, but the Reaſon was well known, for ſome among them, to flatter the Court (againſt their own Principles) had delayed it; he knew likewiſe ſome were one Kind of Government ſome another, ſome were of a certain Kind of Presbytery called *Eraſtianiſm*, like that of *Holland*; but he told them, there could not, nor ought there any to be eſtabliſhed in *Scotland*, but the Presbyterian as it was in 1648; which was the Government in the World not only according to the Word of God, but beſt to diſturb the extravagant Power of Kings, and arbitrary Government, under which they had groaned many Years. This Speech to us that knew his Secrets, ſeemed a little extraordinary; but he excuſed himſelf by being obliged to do ſo, otherwiſe would loſe all Credit with his Party, and that it ſignified nothing ſince he knew that Lord *M——l* never durſt paſs it, though it came to be approved. This Speech was approved by the Houſe, and a Committee appointed to receive all the Forms of Government that ſhould be brought before them, and to report their Opinions of them; and till this was ready, they adjourned ſome Days, during which Sir *James* received from *Ireland* a Return of his Meſſage with Mr. *J——s*. The firſt Night he opened alone a great black

Box

Box with Papers, where all the Commiſſions and Inſtructions were, and then ſent for the Earls of *A——le*, *A——n*, and my Lord *Roſs*, and told them the Return of all was come; but that he believed there were ſeveral Things among them would be improper to let the Duke of *Queenſberry*, Earls of *L——w*, *B——ne*, and me ſee, though we were only thoſe of your Friends whom they had truſted with your Meſſage theſe four times. After they had conſidered them all, made up another Box of ſuch as they thought fit to ſhew, and ſealed it, to make us believe it never had been opened, and in a great haſte Sir *James* deſired us to meet in the Marquis of *Annandale*'s Lodging; and, after a formal Diſcourſe of his Endeavours to ſerve your Majeſty ever ſince he went up with an Offer of the Crown to the Prince of *Orange*, and of the Meſſage he had ſent your Majeſty, ſaid he was now deſired to meet with us to tell us, that he had got a Return, and that there was a great Bundle of Papers come over, but conſidering we were all of one Intereſt, he would not open it, nor look on any thing till we did it all together, and intreated we might meet that Afternoon; and to ſhew the entire Truſt he had in us, he would keep nothing that he knew from us, but would ſhew what he had received from the King. The Earl of *A——n* excuſed himſelf from meeting, pretending he was obliged to go out of Town; but the true Reaſon was, he thought they had cheated him in not ſending for his Commiſſion to be general, as was agreed among them at *London*. The Duke of *Queenſberry* alſo excuſed himſelf, ſo that none came but the Marquis of *Annandale*, *L——w*, *Roſs*, *B——ne*, and myſelf: Sir *James* brought in a black Box, which was a Burden for him to carry, which I looked upon and conſidered the Seals, becauſe I always expected a Trick from him; he told us, he had brought all except a Letter from your Majeſty to himſelf, without knowing, as he ſhall anſwer to Almighty God, what was in the Box; which none of us believed, for he did quite change the Packthread, and clapped on his own Seal, after he had opened the Box and ſhewn what he thought fit to bring. We were all in a great Confuſion to find that we had joined ourſelves to ſuch a Crew, that had ſo much Knavery to impoſe thoſe Things on your Majeſty, and ſo much Weakneſs to think they could bring about all your Enemies to declare for you without any Force; they were in no leſs Confuſion than we, finding we ſaw their Folly in undertaking Things they had not the leaſt Shadow of Power to perform.

They had promiſed to get all the Parliament to declare for your Majeſty, and immediately meet in your Name, and the Earl of *Argyle* Commiſſioner, who was made a Marquis, and Sir *James* made Earl of *A——r*, Lord *Roſs* likewiſe an Earl, and all Employments of C. and S. and Army entirely put into their Hands, and theſe of their Friends were generally the greateſt Enemies to Monarchy.

There were likewiſe great Bundles of Letters not directed, but left to their Direction to be given to any of your Friends they thought fit to truſt, which indeed we thought a little hard to be put in their Hands, who had been for fighting your Majeſty, and alſo endeavouring to ruin us on your Account; beſides what we ſaw, there were many other Commiſſions, Patents and Remiſſions that were made publick by themſelves, after they made their Diſcovery to Lord *M——ll*; but though they were found to get theſe Commiſſions when they

they came, they were confounded what to do with them. To keep them, they ſaw there would be no uſe for them, and they put them in a continual Hazard, ſo it was reſolved that they ſhould be all burnt; but their Patent, next how to diſpoſe of their Meſſenger put them in a great Diſorder, which made the Earl of *L——w* carry him to his Houſe, ſome Miles from *Edinburgh*, where after he had ſtaid ſome Nights, he got from him all that Sir *James* had and concealed, notwithſtanding Sir *James* wrote to Mr. *J——s*, not to truſt any of us with his Meſſage, but as far as he had already ſhewn; yet all was out before the Letter came to his Hands, beſides Mr. *J——s* had been but a few Hours in *Edinburgh*, yet he plainly ſaw all Sir *James*'s Projects were miſerably founded, which made him beg to be employed back again to your Majeſty; but few of us deſired any more to do with Sir *James*, or his Meſſenger; for afterwards we had little meddling with them, though they extremely deſired it, and yet we ſhould ſend back Mr. *J——s* with a Blank Sheet of Paper, ſubſigning to be filled up when he came to your Majeſty with our Advice, which the Duke of *Queenſberry*, *L——w*, *B——e*, and myſelf abſolutely refuſed, which almoſt broke us entirely with them, and the more becauſe ſome of our Number complied with their Deſires, for the Earl of *A——n* not only did it himſelf, but alſo got the Lord *M——y* to do it alſo, though he had not been engaged with us in any of your Concerns; but on the contrary, we looked upon him as one of the principal Deſtroyers of your Affairs, both in the *Highlands*, and at the Beginning of the Revolution. In the *Highlands* your Affairs had no better Succeſs than in the Parliament, for General *B——n* having come too near the Enemy Sir *Thomas L——n*, with a Party of Dragoons ſurpriſed him at *Cromdell*, killed about one hundred, made ſeveral Priſoners, and diſperſed his whole Party. When this News came to *Edinburgh* of a Defeat, your Friends then repented their not embracing the Offer of a Ceſſation of Arms made by the Prince of *Orange*, which *Tarbat* had the Management of, but not being deſirous to appear above board himſelf in ſuch a Tranſaction he propoſed it to the Earl of *B——e*, with the Offer of 5000 *l.* Sterling, if he could accompliſh it, for the Prince of *Orange* was extremely deſirous to have all ſettled before he went to *Ireland*, but the Earl of *B——e* would not meddle in ſuch an Affair, without the Conſent of your Friends at *Edinburgh*, who at that time would not hear of it, ſo the Earl of *B-----e* very generouſly gave it over, though beſides the 5000 *l.* Sterling, he had other conſiderable Rewards offered him; ſo after this Departure, we were all willing a Treaty might be brought on again, conſidering at leaſt, it would gain time until the *Highlanders* put themſelves in a Poſture of Defence. The Prince of *Orange* was juſt then going to *Ireland*, which made the Earl of *B——e* endeavour to meet him to get the Ceſſation ended, but he was gone before he got to him, by which the *Highlanders* were left to the Mercy of their Enemies, who might have ruined them if they had purſued the Victory of *Cromdell*.

Your Friends at *Edinburgh* were in no better Condition, being forced to ſit in a Meeting in the middle of their Enemies, and hear them eſtabliſh Presbytery, and reſcind all Acts that had been any way prejudicial to your Intereſt, reſtoring all Forfeitures and Fines (though tranſacted for) that was granted by your Brother or your Majeſty; for theſe that ſerved you againſt them, and above all their forfeiting, theſe who appeared for you in Arms, except Sir *William IV----e*, who

who was overlooked, though they had as full Probation againſt him as any of the reſt; and, to finiſh our Misfortunes, the conſiderable of theſe of that Party we had joined, not only left us, but betrayed us ſo ſoon as they ſaw ſmall Probability of effectuating their own Deſigns; which was the only thing they had ſtill and all along aimed at, and not your Service, as they pretended ſome Days before the Prince of *Orange* went to *Cheſter*.

I had notice given me by Mr. *O----e*, that the Lord *Roſs* deſigned to go to meet him, and make a Diſcovery of all he knew; which made us ſend the Earl of *L——w* to him, to try if he had ſuch Inclinations; but he proteſted to the contrary with great Oaths; ſome were inclined to believe him, and others were for taking a ſure way to hinder his Diſcovery, ſince their own Lives and Eſtates depended on your Affairs; but it was of ſo dangerous a Conſequence and ſo unjuſt, unleſs we had great Proof or Suſpicion, that moſt of us abhorred the Motion.

A few Days after, though he gave over his Journey to *Cheſter*, believing by what the Earl of *L——w* ſaid to him, that we ſuſpected him, and ſo might have way-laid him; yet notwithſtanding of all his renewed Oaths, he ſent for one Mr. *D——p*, a Fanatick Miniſter, and revealed all he knew to him, and alſo told him, that he was under great Troubles of Conſcience, and deſired his Prayers to enable him to open his Heart to him; after long Prayers, and many Sighs and Tears, he told him all he knew: God was thanked, as being the Effect, Mr. *D——p*'s Prayers being heard.

The next Morning he ſent the Miniſter to Lord *M——ll*, to tell him, that he had a Buſineſs of great Import to tell the Queen, for which he deſired a Paſs, and immediately had it; and before he went, he told *M——ll* in general, that there were dangerous Matters againſt the King and Government, in which he had too great a ſhare, and for which he ſought God's Pardon, but was denied, and was now going to ſeek it from the Queen, to whom he would diſcover all he knew, when at *London*.

The firſt Meeting he had with the Princeſs of *Orange*, he told her the whole Affair, and laid all the blame on Sir *James M——y*; when ſhe had heard all the Hiſtory, ſhe ſent for the Earls of *D——h* and *N——m*, that he might tell it all over again before them; but when they came in, he denied all he had ſaid to the Princeſs; he never thought ſhe would make any other uſe of it, than to prevent the Danger ſhe and the King were in; but nothing ever forced him to give Evidence againſt thoſe he had been in Friendſhip with; for this he was immediately ſent to the *Tower*, where he lay for eight or ten Months; nor could any thing ever induce him to ſay more, though he had both Threatnings and all Arguments to inforce him. It was no ſooner known that Lord *Roſs* was gone, but his Errand was made publick.

Mr. *D——p*, (according to the Cuſtom of his Profeſſion) made no Secret of his Confeſſion, which ſo much alarmed Sir *James M——y*, that he reſolved not to be long behind him, for he ſaw himſelf ruined by his violent Party he had been profeſſing to all of them all along Principles ſo far to the contrary, but to make a Confeſſion to his mortal Enemy, Lord *M——l*. to ſeek Mercy from the Prince and Princeſs of *Orange*, who he knew abhorred him, were a hard Step; yet with a good Share of Confidence and Aſſurance of making a fin Story of it to their Advantage, he doubted not to ſucceed with Lord *M——l*, he inſinuated

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ſo far, as to be truſted to go to *London*, to tell his Buſineſs himſelf; and to gain the greater Credit with *M——l*, he put into his Hands what Letters he had received from the Queen, which was a joyful Sight to him; for from that time they continued, he ventured to touch all the Acts which was believed he could never do, which were diſpleaſing to the Prince of *Orange*, though he was forced to pleaſe the Club Party to put them in his Inſtructions, and ſeveral for which he had no Warrant, making the imminent Danger they were in, an Excuſe of all. In theſe Letters were ſeveral Promiſes of Aſſurance from *France*, of Men, Money and Arms; he likewiſe gave up the Inſtructions ſent to the Earl of *A——e*, when he ſhould be Commiſſioner to the Parliament; but in all their Diſcoveries there was never a Word mentioned of their Patents, and Remiſſions were ſent to Duke *Hamilton*, and others of their Friends.

When Sir *James* came to *London*, he was ſo cautious as not to go near the Princeſs of *Orange*, till he had aſſurance, that in caſe they could not agree in their Terms, he ſhould not be detained, which was granted; but though he confeſſed moſt of all that paſſed of his Tranſactions with your Majeſty, yet he would neither promiſe to be an Evidence, nor give his Advice how Things might be prevented, which, to magnify himſelf he made the Hazard much greater than it was, unleſs he were ſecure of a full Pardon of all the Crimes he ſhould name, and then have a good Employment, pretending the Lowneſs of his Eſtate, which was drawn by the Severity of the laſt Government. The Princeſs of *Orange* would have willingly granted all he demanded, and wrote to the Prince of *Orange* in his Favour in *Ireland*; but ſome Things had paſſed betwixt the Prince of *Orange* and Sir *James* in private, which made the Prince to have ſuch an Abhorrence of him, that he could not hear of employing him; a Remiſſion he would have granted upon Condition of his being an Evidence, but that could not do Sir *James*'s Buſineſs, ſo he abſented, and a few Months after did all he could again to juſtify himſelf to your Friends, which took not with a few. The Earl of *Argyle* quickly followed Sir *James*; yet went not to *London*, but lived privately at the *Bath*, which, when it was known, there was a Warrant ſent down to bring him up; but one Mr. ——, who had been Mayor of the Town, helped him to eſcape. When he was come to *London*, Mr. *F——n* maintained him privately for ſeveral Weeks; at laſt, he, wearied of lurking, ſent for Mr. *L----t*, whom Lord *M----l* kept then at *London* to do Buſineſs in his Abſence, he told of the Mayor of *Bath*, and of Mr. *F----n*, that had entertained him, and ſigned a Confeſſion the moſt ſcandalous that any thing of the Name of a Gentleman ever did, for he not only told what had paſſed among us in publick, but private Converſations he had with ſeveral of your Friends, and likewiſe of *Payne* all that had paſſed between them at firſt Meeting, for which Mr. *Payne* was put to the Torture, and endured it with great Courage and Conſtancy; and that which made his Part more baſe was, after Mr. *Payne* had eſcaped out of Priſon, fled to *Scotland*, thinking he would be ſecure with the Earl of *Argyle*, he came to a Country-Houſe, and was taken there by *Argyle*'s own Servants, and brought to *Edinburgh*, where (upon the Earl of *Argyle*'s Confeſſion againſt him in *England*) he ſuffered the uttermoſt Barbarity. The Treachery of theſe three made all our Friends at *Edinburgh* ſo concerned, though they were not fully informed of their Hazard, that moſt of them left it.

Several

Several Draughts of ACTS, heretofore prepared by Persons appointed to consider of the Inconvenience, Delay, Charge, and Irregularity in the PROCEEDINGS of the LAW.

Printed by an Order of Parliament, of the 12th of July, 1653, *for the* MEMBERS *of the* HOUSE.

The COMMITTEE appointed of the House, for bringing in the Bill;

The Lord General CROMWELL, Mr. *Carew*, Lord General *Fleetwood*, Mr. *Weston*, Alderman *Allen*, Colonel ALGERNOON SIDNEY, Mr. *Garland*, Mr. *Dove*, Mr. *Corbet*, Sir *Henry Hayman*, Mr. *Dormer*, Mr. *Bond*, Sir *Gilbert Pickering*, Lord Commissioner WHITLOCKE, Lord Commissioner LISLE, Lord Chief Baron LANE, Mr. *Raleigh*, Colonel *Bennet*, Mr. *Strickland*, Colonel *Jones*, Sir *Henry Mildmay*, Colonel *Feilder*, Colonel *Rich*, Sir *Arthur Haslerig*, Mr. Attorney PRIDEAUX.

COMMITTEE appointed, not of the House;

Mr. MATTHEW HALES, Mr. STEEL, Recorder, Mr. *Charles George Cocke*, Mr. *Thomas Manly*, Mr. *John Sadler*, Mr. *Samuel Moyer*, Mr. *Josiah Bernes*, Alderman *Foulk*, Mr. *Tobias Fryer*, Sir *William Roberts*, Mr. *Arthur Bernardiston*, Mr. *Hugh Peters*, Major *Parker*, Mr. *Robert Wring*, Sir ANTHONY ASHLEY COOPER, Mr. *Hachman*, Mr. *William Mathod*, Mr. *Sparrow*, Mr. *Graves*, Mr. *Mansel*, Colonel *Bland*, Mr. *Francis River*, Mr. *William Berry*, Mr. *Leech*, Major-General *Desborow*, Colonel *Tomlinson*, Mr. *William Flemming*, Mr. *Spring* *.

[*Though several of the following Matters have been since enacted by Parliament, and are become Part of the Laws of the Land, yet it may be useful, on several Accounts, to see the Form in which they were drawn up by the first Projectors, the Reformers who had subverted the Monarchy and the Church. Not that we mean to recommend the Religion of these Men, or their Politics, so far as the same relate to the general Frame and Constitution of Government, by shewing*

* The Cause of their not passing into Laws at that Time, is thus accounted for by *Ludlow*. Vol. I. Page 430.

"In the mean time, the Reformation of "the Law went on but slowly, it being the "Interest of the Lawyers to preserve the "Lives, Liberties, and Estates of the whole "Nation in their own Hands. So that upon "the Debate of *Registring Deeds in each "County, for want of which, within a cer- "tain Time fixed after the Sale, such Sales "should be void, and being so registered, that "Land should not be subject to any Incumbrance:* "This word *Incumbrance* was so managed by "the Lawyers, that it took up three Months "time before it could be ascertained by the "Committee."

that they ſtruck out ſome uſeful Hints for the Amendment of ſeveral Particulars which were amiſs. On the contrary, we ſhould think it marvellous indeed, if a Junto of new Men, moſt of them of even obſcure Origin, having availed themſelves of the Miſconduct in the Adminiſtration of an ancient Government, and, under Pretence of Reformation, having wrought the Populace up to a Phrenzy; I ſay, if ſuch Men, who, not being ſatiated with the Patrimonies of the Crown and the Church, and the Sequeſtration of the Eſtates of all Royaliſts, that is of the greateſt Part of the Nobility and Gentry, had ſuch keen Appetites for the Wealth of the People, as to make the little Finger of their Government heavier than the Loins of the Prerogative; if ſuch Men ſhould endeavour to redeem, retrieve, or compound for Reputation with the Publick, eſpecially in Inſtances which were to coſt them little or nothing. To do Juſtice to them, therefore, in this Reſpect, the Reader will be able to obſerve, that the Adminiſtration and the Diſtribution of the Eſtates of Inteſtates, the more eaſy Recovery of Rents, the Prevention of fraudulent Conveyances, and of prophane Curſing, Swearing, and Sabbath-breaking, the Regiſtry of Conveyances and Wills, are here deſigned, and have ſince been regulated by the Legiſlature, in ſome meaſure, according to theſe Propoſals. Moreover, in the eighty-nine Sections, touching the Common Law Courts and County Judicatures, *there are many excellent Materials, a conſiderable Part of which have been ſince introduced into our Statute-Book; as that againſt Collateral Warranties, that Creditors may compel Debtors to diſcover their Effects, (this only in the Bankrupt and Inſolvent Acts) that Corn in Rick may be diſtrained for Rent; that Notice be given of Diſtreſſes made for Rent; that they may be ſold in a convenient Time, (which, by the way, was Part of the Statute-Law of* Ireland *near two hundred earlier) and againſt general Excupancy of Eſtates,* par auté vie. *Some Things here, which have not been ſince enacted, ſeem alſo to deſerve Conſideration, of which we ſhall only mention the Abolition of common Recoveries, the general Regiſtry of Conveyances and Wills of Land, and the more eaſy Recovery of ſmall Debts. Some Things here are not practicable, being, as we apprehend, ſet down at Random by Men who underſtood nothing of the Matter; thus, in a Table of Fees, for a Serjeant or Barriſter at Law, for a Motion, Trial, or attending a Reference, or giving his Opinion upon a Caſe ſtated in Writing, Ten Shillings; for an Argument upon a Special Verdict, or Demurrer, One Pound. The Law muſt have been ſtrangely altered in its Courſe ſince thoſe Fees were calculated, if there was any reaſonable Proportion in the Fees, or good Senſe in the Propoſal. We now ſometimes ſee Trials which laſt a Day and a Night; we ſee Twenty cloſe written Sheets of Brief for a Motion; we ſee Caſes for Opinion, which may reaſonably coſt the greateſt Man in the Profeſſion a Day to read, duly conſider, and anſwer, and each of theſe, by this Project, for Ten Shillings. But it cannot be our Buſineſs to go through Particulars. Let it ſuffice to ſay, that the Long Parliament, in its Beginnings, demoliſhed Ship-money, the Council of* York, *the Court of Star-chamber, and of Wards and Liveries; and delivered the Nobility and Gentry of the Land from the Thraldom of Knight-ſervice. During the full Vigour of the Uſurpation, the Navigation-Act was invented, and carried into Execution, to which our preſent Maritime Figure is chiefly owing;*

and we have Lord Clarendon's *Opinion, that the great Usurper's Plan for constituting a* British *House of Commons, was an Alteration to be wished for in better Times. Let us not therefore ask, Can any good Thing come out of* Galilee? *but rather learn,* Fas est & ab Hoste Doceri.

A Draught of an Act for taking away Fines upon Bills, Declarations, and Original Writs.

FOrasmuch as Fines taken upon Bills, Declarations, and Original Writs, are an Inconvenience in the Law, and a great Charge to the People, *Be it Enacted by this present Parliament, and by the Authority of the same,* That from and after ..... no Fines shall be taken upon Bills, Declarations, or Original Writs; but such Writs shall be from thenceforth issued, and such Bills and Declarations admitted and filed, without taking of any Fine.

The Draught of an Act touching Marriages, and the Registring thereof, and also touching Births and Burials.

BE it *Enacted by the Authority of this present Parliament,* That whatsoever Person or Persons of *England* and *Wales,* who after the Day of which shall be in the Year shall agree to be joined in Marriage; every such Person and Persons so intending to be married, shall first (three Weeks before such intended Marriage be consummated) deliver, or cause to be delivered unto the Register of the respective Parishes where each of the Parties to be married live, (hereafter in this Act appointed) the Names, Sir-names, Additions, and Places of Abode of the Parties so to be married, and of their Parents or Guardians: Which said Register shall forthwith, upon such Notice, fix the said Names, fairly and legibly written, upon the Door of the publick Meeting-place, commonly called, *the Parish Church* or *Chappel,* there to remain by the Space of three Weeks then next following; which Time being expired, the said Register (hereafter by this Act appointed) shall, upon request of the Parties concerned, make a true Certificate of the due Performance thereof; without which Certificate the Persons herein after authorized, shall not proceed to consummate any Marriage. And if any Exception shall be made against the said intended Marriage, before the Consummation thereof, the said Register shall also insert the same, and the Matter of the said Exception, with the Name of the Person that makes the same, and the Place of his or her Abode in the said Certificate of Publication.

AND be it further Enacted by the Authority aforesaid, That every Marriage after the said Day of which shall be in the Year aforesaid, shall be consummated before some Justice of Peace within and of the same County, where Publication shall be made as aforesaid: Which said Justice of Peace may and shall, by vertue of this Act, proceed to the Consummation of every such Marriage, according to the true Intention of this present Act, unless there shall be reasonable Cause to the contrary: And the said Justice of the Peace

is hereby authorized (before he proceed to conſummate the ſaid intended Marriage) to examine any Witneſs or Witneſſes upon Oath or otherwiſe, as he ſhall ſee Cauſe, concerning the Truth of the Certificate of Publication, and due Performance thereof as aforeſaid, and alſo of any Exception that ſhall be made or ariſe; which being carefully done and examined, the ſaid Juſtice of Peace may and ſhall further proceed to perfect and conſummate the ſaid intended Marriage, in Manner as followeth:

The Man to be married ſhall take the Woman to be married by the Hand, and ſhall diſtinctly and plainly pronounce theſe Words:

I A. B. *do here in the Preſence of God, take thee* C. D. *to my wedded Wife; and do alſo in the Preſence of God, and before theſe Witneſſes, promiſe to be unto thee a loving and faithful Husband.*

And then the Woman taking the Man by the Hand, ſhall plainly and diſtinctly ſpeak theſe Words:

I C. D. *do here in the Preſence of God, take thee* A. B. *to my wedded Huſband; and do alſo, in the Preſence of God, and before theſe Witneſſes, promiſe to be unto thee a loving, faithful, and obedient Wife.*

AND it is further Enacted by the Authority aforeſaid, That the Man and Woman having expreſſed their Aſſent unto Marriage by the Words aforeſaid, before ſome Juſtice of the Peace, in the Preſence of two or more credible Witneſſes, the ſaid Juſtice of the Peace may and ſhall declare the ſaid Man and Woman to be from thenceforth Huſband and Wife. And from and after ſuch Aſſent ſo expreſſed, and ſuch Declaration by ſome Juſtice of the Peace ſo made, the ſame (as to the Form of Marriage) ſhall be good and effectual, according to the Laws of *England:* And no other Marriage after the ſaid Day of which ſhall be in the Year aforeſaid, ſhall be held or accompted a legal Marriage within *England* and *Wales*, according to the Laws of *England*.

And to the End that a true and juſt Accompt may be from Time to Time, and always hereafter had, as well of the aforementioned Publication, as of all ſuch Marriages hereafter to be made; and alſo of the Births of Children, and Deaths of all ſorts of Perſons within the ſeveral Pariſhes and Places in *England* and *Wales*; *It is hereby further Ordained and Enacted*, That a Book of good Vellum or Parchment ſhall be provided by every Pariſh, for the Regiſtring of all ſuch Marriages, and of all Births of Children, and Deaths of all ſorts of People within every Pariſh; for the ſafe keeping of which ſaid Book, the Inhabitants and Houſholders of every Pariſh, chargeable to the Relief of the Poor, or the greater Part of them preſent, ſhall upon the ſaid Day of which ſhall be in the Year aforeſaid, make Choice of ſome able and honeſt Perſon (ſuch as ſhall be ſworn and approved of by one of the Juſtices of the Peace of that Pariſh or Diviſion) to have the keeping of the ſaid Book, who ſhall therein fairly enter in Writing all ſuch Publications, Marriages, Births of Children, and Deaths of all ſorts of Perſons, and the Names of every of them; and the Day

Day of the Month, and the Year of Publications, Marriages, Births and Deaths, and the Parents Names: And the Regiſter in that Pariſh where the Marriage ſhall be conſummated, ſhall attend the ſaid Juſtice of the Peace to ſubſcribe the ſaid Entry thereof; which ſaid Perſon ſo to be elected, ſhall be called *The Pariſh-Regiſter*, and ſhall continue three Years in the ſaid Place of Regiſter (if he ſhall ſo long live) and longer, until ſome other be choſen, unleſs the Pariſh ſhould think fit to remove him ſooner: And he may or ſhall take for every ſuch Publicationor Certificate thereof, Twelve-pence: For the Entry of every Marriage, Twelve-pence: For every Birth of Child, Four-pence: And for every Death, Four-pence, except for Publication, Marriages, Births or Burials of poor People who live upon Alms, of whom nothing is to be taken.

And be it further Ordained and Enacted by the Authority aforeſaid, That no Perſon or Perſons under the Age of one and twenty Years ſhall from and after the ſaid Day of which ſhall be in the Year aforeſaid, preſume to marry or take to Wife or Huſband, any Infant under the Age of one and twenty Years (without the Conſent of his or her Father if he be then living, or his or her Guardian if the Father be dead.) And if any ſuch Perſon ſhall marry or take to Wife any ſuch Infant under the Age of one and twenty Years, without Conſent of her Father if then living, or her Guardian if the Father be dead, ſuch Perſon ſo marrying ſhall forfeit (during the Joynt-lives of ſuch married Perſons) one full third Part of ſuch Lands, Tenements and Hereditaments as he hath or might in Law or Equity, take or diſpoſe of at the Time of ſuch Marriage by reaſon thereof; and one full fourth Part of all ſuch Goods and perſonal Eſtate, as might or ſhould accrue or come unto him at the Time of ſuch Marriage by reaſon thereof, and ſhall be utterly diſabled and excluded to have any Eſtate of Free-hold in any the Lands, Tenements and Hereditaments of ſuch Wife, as Tenant by the Courteſy of *England*. And if any Woman ſhall take to Huſband any Perſon under the Age of one and twenty Years, without the Conſent of his Father if he be living, or his Guardian if the Father be dead, ſhe ſhall be utterly diſabled and excluded to claim or have any Dower, Free-bench, or other Cuſtomary Eſtate of ſuch Huſband, whereunto ſhe might be otherwiſe intituled by ſuch Inter-marriage, or Death of ſuch her Huſband; and likewiſe ſhall not have the Advantage of any Part of his perſonal Eſtate, without his expreſs Gift or Bequeſt.

And it is hereby further Declared and Enacted by the Authority aforeſaid, That from and after the Day of which ſhall be in the Year aforeſaid, the Age for a Man-child to conſent unto Marriage, ſhall be ſeventeen Years: And the Age of a Woman-child fifteen Years, and not before.

And it is further Enacted by the Authority aforeſaid, That the Hearing and Determining all Matters of Controverſies touching Marriages, and the Lawfulneſs and Unlawfulneſs thereof, and Exceptions againſt Marriages, Divorces, Allowance of Allimony, Diſtribution of Fines, and Forfeitures for Marriages without the Conſent of Parents and Guardians, ſhall be in the Power, and referred to the Determination of ſuch Perſons to hear and determine the ſame, as the Parliament hereafter ſhall appoint.

And

And be it further Enacted by the Authority aforesaid, That the Mayors, Recorders, Stewards, Aldermen, Sheriffs, and Town-Clerks of any Cities in *England* and *Wales* for the Time being, and every of them, shall have the like Power touching Marriages within the said Cities and Liberties thereof as is hereby given to the Justices of the Peace.

And lastly be it Enacted by the Authority aforesaid, That all and every Persons abovementioned in this Act, may and shall in their several Places by vertue hereof, put in Execution all and every Powers and Authorities respectively to them limited by this Act, any Law, Statute, Custom or Usage formerly to the contrary notwithstanding.

The Draught of an Act against customary Oaths.

BE it Enacted by *Authority of this present Parliament*, That no Person shall be hereafter required or compelled to do Homage, or to take an Oath to do Fealty, or shall take an Oath upon Matriculation in either of the Universities, or upon taking any Degree or Admission, or Entrance into, or Freedom of any Corporation, Society or Company whatsoever.

Provided, That this Act shall not extend unto the Engagement, nor to take away any Oath particularly appointed to be taken by any Officer or Officers concerning the Execution of such Office.

Provided also, and it is hereby Enacted, That where any Tenure now is by Homage and Fealty, or either of them, the Tenant that so holdeth shall in lieu thereof (as he was formerly to do Homage and Fealty, or either of them) be hereafter only liable to make Acknowledgment (if he be lawfully required) That he holdeth his Lands of the Person of whom he holdeth them.

The Draught of an Act for the taking away common Recoveries, and the unnecessary charge of Fines, and to pass and charge Lands Entailed as Lands in Fee-simple.

BE it Enacted by the *Authority of this present Parliament*, That from and after the Day of which shall be in the Year it shall be lawful to and for any Person or Persons, being of the full Age of one and twenty Years, to Grant, Alien, Bargain, Sell, Lease, or with any Rent, Statute, Recognizance or Judgment, to charge, or by his last Will in Writing devise or charge any Manors, Lands, Tenements or Hereditaments, whereof such Person or Persons shall be seized of any Estate in Tail, in Possession, Reversion or Remainder; or by his Release to bar or discharge any Right to him or them belonging unto the Manors, Lands, Tenements or Hereditaments so Entailed: And that such Grant, Alienation, Bargain, Sale, Lease, Charge, Devise and Release shall be a good and effectual Bar in Law against such Person and Persons, and their Heirs and Assigns claiming the said Lands, Tenements and

and Hereditaments ſo entailed only by force of ſuch Entails; and againſt all and every other Perſon or Perſons and their Heirs, having, or that may or ſhall have any ſuch Eſtate, Right, Title, Intereſt, Remainder, Reverſion or Poſſibility, which the ſaid Tenant in Tail at the Time of ſuch Alienation, Grant, Bargain, Sale, Leaſe, Charge, Will or Leaſe, in Right or in Poſſeſſion or could Bar or Deſtroy, by any Fine with Proclamation, or by any Recovery or Recoveries had againſt him as Tenant or as Vouchee in any common Recovery of the ſaid Manors, Lands, Tenements or Hereditaments. And that all ſuch Gifts, Grants, Bargains, Sales, Leaſes, Wills, Charges and Releaſes, ſhall be as good and effectual againſt the Iſſues in Tail, and thoſe in ſuch Reverſion and Remainder expectant thereupon, and their Heirs and Iſſues, as if ſuch Perſon or Perſons ſo Demiſing, Aliening, Granting, Bargaining, Selling, Charging, Deviſing or Releaſing had been ſeized of an Eſtate in Fee-ſimple. And from the [illegible] Day of [illegible] all common Recoveries are to be forborn and no more uſed: But all Agreements for levying Fines, and ſuffering common Recoveries, ſhall be conſtrued to oblige to the making other Aſſurance of the ſame force in Law.

And be it further Enacted, That any Perſon ſeized of a Copy-hold in Tail, or in Nature of an Eſtate-Tail, may (by a bare Surrender of the ſame according to the Cuſtom of the Manor) bar the Iſſue and Heir of ſuch Copy-holder, and all Remainders and Reverſions expectant thereupon, as effectually as if the ſaid Copy-holder had duly ſuffered any common Recovery in the Court of the ſaid Manor.

And be it further Enacted, That all Manors, Lands, Tenements and Hereditaments from and after the Day of deſcending to any Heir or Iſſue of ſuch Tenant in Tail, ſhall be charged with the Debt, Covenant, Charge or Warranty of the Anceſtor from whom the ſame deſcend, as if the ſame had deſcended in Fee-ſimple to ſuch Heir or Iſſue: And in caſe ſuch Tenant in Tail or his Heir in Tail, from and after Time aforeſaid, die without Iſſue, and the ſaid Manors, Lands, Tenements or Hereditaments ſo entailed ſhall revert, remain or come to any other Perſon or Perſons that ſuch Tenant in Tail could or might have barred at the Time of ſuch Bond, Covenant, Charge or Warranty made, the ſame ſhall be charged with ſuch Debt, Covenant, Charge or Warranty, as if the ſame had deſcended to him or them in Fee-ſimple from the ſaid Tenant in Tail; and the like Action to be brought and maintained againſt him or them, as againſt an Heir having Lands by Deſcent in Fee-ſimple, and he and they to be admitted to make like Defence as an Heir in Fee-ſimple, and like Judgment and Execution to be awarded.

Provided alſo, That nothing in this Act ſhall prejudice the Dower, Joynture, or joynt Eſtate of any Wife of ſuch Tenant in Tail, nor enable any Tenant in Tail, after Poſſibility of Iſſue extinct, or any Jointureſs to bar or charge her Iſſue, or cut off or charge any Remainder or Reverſion, which he or ſhe could not lawfully do before this Act.

And be it further Enacted, That where any married Woman ſhall join with her Huſband in any Writing under Hand and Seal for leaſing, granting or conveying any Manors, Lands, Tenements or Hereditaments, or granting any Rent, and ſhall acknowledge the ſame before any Juſtice of the Peace, or Perſon

ſon authorized, or hereafter to be authorized, to take the Acknowledgment of Deeds; the ſaid Juſtice of Peace or other Perſon ſo authorized to take the Acknowledgment of Deeds, ſhall and is hereby authorized to examine ſuch Woman privately and apart from her Huſband, Whether ſuch Writing, and the Acknowledgment of the ſame is made and ſubſcribed by her freely, without Enforcement of her Huſband; and whether ſhe knoweth the Contents thereof, and Conſents thereunto: Which if ſhe acknowledge, the ſaid Juſtice of Peace or other Perſon ſo examining her, ſhall ſubſcribe ſuch Examination under his Hand upon ſuch Writing, and the Time of ſuch Examination and Acknowledgment, for which Sixpence ſhall be taken by the Juſtice of Peace's Clerk and no more; which ſhall be a ſufficient Warrant for Enrolment thereof in any Court or Record, or other public regiſtring of Deeds: And being enrolled or regiſtred accordingly, ſhall from the Time of ſuch Enrolment, be of equal Force and Validity againſt ſuch Woman only and her Heirs, as if ſhe had been a Woman unmarried.

And be it further Enacted, That if the Heir of Lands, Tenements or Hereditaments deſcended to him in Fee-ſimple, liable to the Payment of the Debts of his Anceſtor, or any Lands, Tenements or Hereditaments make liable to Payment of the Anceſtors Debts by this Act, ſhall be ſold away before Action brought, That the Value of ſuch Lands, Tenements or Hereditaments ſold, ſhall be Aſſets in the Hands of ſuch Heir or Perſon ſelling the ſame, and liable to the Satisfaction of ſuch Anceſtors Debts, in like manner as Goods would be in the Hands of an Executor.

And be it laſtly Enacted, That an Heir now living who had Lands in Fee-ſimple deſcended to him from his Anceſtors, and hath ſold the ſame; the Value of the Lands ſold and converted to his own Uſe ſhall be liable for the Payment of the Debts of ſuch Anceſtor, as the Lands themſelves ſhould have been before the Sale thereof.

The Draught of an Act for aſcertaining of Arbitrary Fines upon Deſcent and Alienation of Copy-holds of Inheritance.

FOR the Prevention of Controverſies between Lords and Copy-hold Tenants of Inheritance, where Fines of ſuch Copy-holds of Inheritance are arbitrable upon every Deſcent and Alienation: *Be it Enacted by this preſent Parliament, and by the Authority of the ſame*, That where ſuch Fines Arbitrary are payable by Copy-holders of Inheritance upon every Deſcent and Alienation; in ſuch caſe, from and after no Lord of any ſuch Copy-holders of Inheritance upon a ſingle Admittance, either in caſe of Alienation or Deſcent, ſhall take for his Fine above one full Years Rent of the Copy-hold, according to the true yearly Value thereof. And the ſame is hereby declared to be a reaſonable Fine in ſuch caſe.

The

The Draught of an Act for the more speedy Recovery of Rents.

BE it *Enacted by the Authority of this present Parliament*, That upon a Grant of a Rent or Reversion, with a Rent incident thereunto, the Grantee (after Notice given in Writing under the Hand of the Grantor of the Grant to the Tenant or Occupier of the Land or any Part thereof) may distrain or bring an Action for such Rent, and have the like Advantage of Conditions, Penalties and Covenants, as fully as if the Tenant had attained to such Grant at the Time of such Notice: And that after an Action of Debt shall be maintainable for Rent reserve upon a Lease for Life or Lives, or for a Rent-Seck or Rent-Service against the Tenant or Tenants that ought to have paid the same.

And be it further Enacted by the Authority aforesaid, That a Rent-Charge or Rent-Seck, shall not hereafter be extinguished or suspended by any lawful Purchase of Part of the Land charged therewith, but be appointed as in Case of a Rent-Service.

The Draught of an Act for the better Regulating of Pleaders and their Fees.

BE it *Enacted by the Authority of this present Parliament*, That from and after no Person who now is, or hereafter shall be a Member of Parliament, shall (during the sitting of the Parliament, and whilst he is a Member thereof) plead or manage any Cause in any Court of Justice, except the Counsel for the Commonwealth, on the Behalf of the Commonwealth: And that no Person from and after the said Day of shall receive or take in any Cause wherein he shall be retained of Counsel, more than the Sum of five Pounds, directly or indirectly, nor any other thing valuable in any such Cause, during the Dependance thereof in any one Court. Yet nevertheless, such Person shall do his Duty, by giving his Advice and Assistance, until such Cause shall be ended and determined.

The Draught of an Act for the more speedy and easy Recovery of Debts and Damages, not exceeding the Sum of four Pounds.

BE it *Ordained and Enacted, by the Authority of this present Parliament*, That the Justices of the Peace in every County in *England* and *Wales*, or the greater Number of them present, at the first General Sessions after the 25th Day of *March*, shall yearly within every such Division of the said County as they shall think fit (out of ten sufficient, honest and understanding Persons, Inhabitants in such respective Divisions, to be nominated out of the Jury-book, and presented to the said Justices by the Grand Jury) appoint and order five of

the ſaid ten Perſons to be Commiſſioners for the hearing and determining all Differences between Party and Party (living in the ſame County) ariſing upon any Matter of Debt, promiſe upon a good and lawful Conſideration, Treſpaſs, Contracts, or detained of Goods to the Value of four Pounds and under; every of which ſaid five Perſons ſo appointed, ſhall within one Week after Notice (to be given by the Clerk of the Peace) repair to ſome Juſtice of the Peace of that Diviſion, and be ſworn before him honeſtly and impartially to execute the Powers and Truſts in him repoſed by this Act, according to his beſt Underſtanding and Conſcience: And ſhall afterwards agree of ſome certain public Place and Day, to ſit weekly or otherwiſe, for receiving Complaints, as they ſhall think fit and moſt convenient for the Eaſe of the People, and effectual Execution of this Act.

And the ſaid five Perſons, or any three of them (being of the Diviſion where the Party complained of inhabiteth, or was laſt reſident) ſhall upon any complaint to them made, have Power, by Warrant under their Hands (briefly expreſſing the Subſtance of ſuch Complaint) to ſummon the Party or Parties complained of, to appear before them at a certain Day and Place to anſwer ſuch Complaint; which Summons ſhall be ſerved upon the Party, or left at his Dwelling-houſe or uſual Place of Abode: And upon Appearance by him or themſelves, or ſome other Perſon on his or their Behalf, or in caſe of a Default upon a ſecond Summons proved upon Oath, ſhall and may proceed to hear and determine the ſaid Complaint: And thereupon (three of them at the leaſt concurring) to ſet down their Order, ſubſcribed under their Hands, concerning ſuch Debt, Goods detained, or Coſts or Damage to either Party according to Juſtice; and in order to ſuch Hearing, ſhall and may ſend for Witneſſes and examine them, or the Parties themſelves upon Oath, as they ſhall ſee Cauſe.

Provided, That the Coſts to the Plaintiff ſhall not be accounted any Part of the four Pounds aforeſaid, nor ſhall exceed ten Shillings in any one Caſe to the Plaintiff: And that the Coſts given to the Defendant, ſhall not in any Caſe exceed forty Shillings.

And if any Perſon or Perſons ſhall refuſe to pay any ſuch Debt or Sum of Money, adjudged and ordered to be paid as aforeſaid, or ſhall not, within five Days after Notice of ſuch Order (proved upon Oath) perform the ſame; in every ſuch Caſe, the Perſon or Perſons to whom any ſuch Debt, Goods, or Sum of Money ſhall be ſo adjudged, may and ſhall, by Warrant from the Commiſſioners who have ſo adjudged the ſame (which Warrant ſhall be directed to the Conſtable of the Pariſh, being within the ſame County where ſuch Goods to be diſtrained are) diſtrain and take the Goods of the ſaid Parties ſo refuſing, or ſo much thereof as will ſatisfy the Sum ſo adjudged, and ſell the ſame, retaining ſo much of the Money raiſed by Sale thereof as may ſatisfy the ſaid Judgment, and returning the Overplus of the ſaid Goods to the Owner.

And if no ſufficient Diſtreſs can be found, then the ſaid Commiſſioners, or any three of them, ſhall have Power to appoint the ſaid Debtor forthwith to ſuch daily Labour in the Service of the Complainant, as in their Diſcretion ſhall be thought meet, the ſaid Debtor there to abide in the ſaid Labour and Work, until he ſhall have earned or deſerved ſo much as may be a full Satisfaction of the Sum ſo adjudged, to be computed according to the uſual Wages allowed of in

that

that County; one half of which Wages shall go to the Benefit of the said Complainant, the other to the Maintenance of the said Debtor and his Family.

And if the said Debtor shall wilfully neglect or desert the said Work, before full Satisfaction made in Obedience to the said Order; then upon Complaint unto two Justices of the Peace of that Division, and upon Proof of such Default upon Oath (which the said Justices are hereby authorized to administer) it shall be lawful for them to commit every such obstinate and idle Person to the Work-house, there to remain at Work by the Space of one Month next following, for the Benefit and Purposes aforesaid, and to return to the Work of the Complainant until such Satisfaction be made as aforesaid.

Provided, The said Commissioners proceed not in any Matter wherein a Title of Land is really in question between any Parties, the same being declared to them upon Oath; nor upon any Complaint or Information upon any penal Law; nor upon any Action for Conspiracy; nor for speaking of slanderous Words; nor upon any Difference wherein any of the said Commissioners shall be concerned in his Lands or Goods; nor upon any intire Debt, Contract or Damage, above four Pounds by dividing the same; nor against any Executor or Administrator for any Debt, Damages or Legacy, if the said Executor or Administrator shall alledge upon Oath, that he hath not Assets of the Testator at the Time of such Complaint; but the same shall be allowed as a sufficient Cause to discharge such Executor or Administrator, of any such Proceedings before the said Commissioners.

And it is hereby further Enacted, That the Commissioners of the Court of Requests held in the Guild-hall in the City of *London*, (according to one Act of Parliament made in the third Year of King *James*, intituled, *An Act for the Recovery of small Debts, and for the relieving of poor Debtors in* London) or any three or more of them, may and shall exercise all and every Authorities and Powers, as to such Sums, and in such Manner as in this present Act is limited, and not otherwise.

And be it also Enacted, That all and every the Commissioners in this Act mentioned, who shall upon such Notice as aforesaid, given or left at his or their Dwelling-houses, wilfully refuse or neglect to repair to some Justice of the Peace to take the Oath beforementioned, the Person and Persons so wilfully refusing or neglecting, shall for every Week after such Notice and Continuance of such Neglect, forfeit the Sum of twenty Shillings, to be levied by Distress and Sale of his Goods, by Warrant from two Justices of the Peace inhabiting near the Place where the said Party so refusing liveth: The moiety of which Forfeiture shall be given to the Party who informeth of such Neglect, and the other Moiety shall be paid to the public Treasury of the County, to be disposed of for the Use of the County: And the said Justices shall hereby have Power to send for and convict the said Offender upon his own Confession, or upon other Testimony, by the Oath of one or more Witnesses.

And be it further Enacted, That no Attorney, Solicitor or other Person for a Fee, shall be admitted to plead for or against the Complainant or Defendant before the said Commissioners.

And lastly be it Enacted, That if any Person or Persons inhabiting in any County after the Day of which shall be in the Year aforesaid,

ſhall commence or proſecute any Suit which may or ought to be proſecuted before the Commiſſioners in this Act mentioned in any other Court or Juriſdiction, the Debt and Damages to be recovered not exceeding four Pounds: Every ſuch Perſon or Perſons (except the ſaid Commiſſioners, and except Executors and Adminiſtrators, ſuing as Executors and Adminiſtrators, who may ſue elſewhere) ſhall loſe his and their Coſts of ſuch Suit; and ſhall likewiſe pay unto the Party ſo unduly proſecuted, ſo much Coſts as he can prove upon Oath to have juſtly expended in Defence of the ſaid Suit, which ſhall and may be heard and determined by any three of the Commiſſioners to be appointed by this Act as aforeſaid.

The Draught of an Act for the further Declaration and Prevention of Fraudulent Contracts and Conveyances.

BE *it Enacted by the Authority of this preſent Parliament*, That whereſoever any Perſon ſeized of an Eſtate in Fee-ſimple or Fee-tail, hath made or ſhall make a voluntary Settlement of all or any part of his Eſtate upon his Wife, Child, or Children, or any other Perſon or Perſons; and that the ſame Eſtate now reſts, or hereafter ſhall reſt in ſuch Wife, Child or Children, or in truſt for them, all Debts contracted before ſuch voluntary Settlement, by Bond, Mortgage or otherwiſe, ſhall (to the Value of ſuch Debts and Contracts) be ſatisfied by Sale of ſuch Lands ſo ſettled.

And in caſe that any Perſon voluntarily maketh his Wife, Child, or Children, Joint-purchaſers with him, or doth voluntarily Purchaſe any Lands in the Name of Wife, Child or Children, ſuch Eſtate ſhall be liable to the Debts of ſuch Purchaſer, as if the whole Eſtate had been in him; and in caſe of his Death, as if the ſame had deſcended to his Heir.

And be it further Enacted and Declared, That where any Perſon indebted, taketh Bond or other Security to himſelf and his Wife jointly, or to himſelf, Child or Children jointly, or to his Child or Children, or purchaſed Goods jointly with Wife, Child or Children, the ſame ſhall be accepted and taken to be the Eſtate of the Perſon ſo indebted, and ſhall be liable to the Satisfaction of his Debts.

The Draught of an Act againſt the Sale of Offices.

BE *it Enacted by the Authority of this preſent Parliament*, That no Office for Life, or during good Behaviour, or at will, ſhall be hereafter granted to an Infant, or to any Perſon unable to execute the ſame, or in Reverſion, or ſhall be directly or indirectly ſold, or bought, or contracted for, or any thing be given or promiſed for any ſuch Office; and that the Parties buying and ſelling, giving or promiſing, or to whom any thing is given for any ſuch Office, or any Perſon that ſhall accept any promiſe for any ſuch Office, and thereupon

grant

grant the ſame, every Perſon ſo offending ſhall forfeit double the Sum ſo given and received, promiſed and accepted of as aforeſaid; and the Perſon coming into any ſuch Office, contrary to this preſent Act, ſhall be diſabled to hold or exerciſe the ſaid Office; and he, and the Perſons ſelling or contracting for Sale of any Office, ſhall be diſabled to bear any Office of Profit in this Commonwealth. And any Perſon or Perſons ſuſpected for buying, ſelling, contracting, or promiſing any thing for any ſuch Office hereafter, may or ſhall be examined upon his and their Oaths touching the Diſcovery of the ſame; and one Moiety of all the Sums forfeited by this preſent Act, ſhall be paid to the Uſe of the Commonwealth, the other half to the Informer.

The Draught of an Act for the Recovery of Debts owing by Corporations.

BE *it Enacted by the Authority of this preſent Parliament*, That an Action of Accompt, and other Actions, ſhall be maintainable againſt a Corporation, in like manner as againſt a private Perſon: And the ſame Proceſs ſhall iſſue to enforce an Appearance and Anſwer, as againſt a private Perſon, and ſhall be executed upon the Chief of ſuch Corporation; and the ſame Judgment ſhall be had againſt a Corporation as againſt a private Perſon: And upon any Judgment againſt any Corporation, and Execution awarded for levying Debt or Damages, all the Lands and Tenements, Goods and Chattels of ſuch Corporation, or ſo much thereof as will ſatisfy the ſaid Execution, ſhall and may be ſold: And where any Corporation is or ſhall be more indebted than the Lands and Tenements, Goods and Chattels of ſuch Corporation will ſatisfy, then the Chief of ſuch Corporation (calling to him or them ſuch of the ſaid Corporation as uſually join in making By-laws, Aſſeſſments or Rates for the particular Uſe of ſuch Corporation) may and ſhall make a Rate and Tax upon all Freemen of ſuch Corporation, to raiſe ſufficient to ſupply the Defect of the Value of ſuch Lands and Goods, for the Payment of the Debts of ſuch Corporation. And upon Default of Payment of ſuch Rate or Tax, to levy the ſame by Diſtreſs and Sale of the Defaulters Goods, found within the ſaid Corporation and the Liberties thereof, rendering the Overplus to the Owner. And in Caſe of any Injuſtice or Inequality in any ſuch Rate or Tax, any Party grieved may Appeal to the Judge or Judges of the Court, where any ſuch Action ſhall be brought againſt any ſuch Corporation, or to the Juſtices of the Peace of that City or County at their General Seſſions, within which the ſaid Corporation ſhall be: And the ſaid Judge or Judges, or Juſtices of the Peace reſpectively, ſhall hear and determine the ſame; and the Determination of ſuch Judge or Judges, or Juſtices of the Peace, Perſons by them appointed reſpectively upon ſuch Appeal, ſhall be final.

And in caſe the Debt or Damage to be recovered againſt a Corporation, ſhall not be ſatisfied within ſix Months next after Execution firſt awarded againſt ſuch Corporation, That then the Execution may, and ſhall be levied upon the Goods and Eſtate of any one or more Perſons of the ſaid Corporation, who ought to have made the ſaid Rate or Tax, as if it were his or their own Debt; and he

or

or they upon whose Goods or Estate the said Execution shall be so levied, may by Virtue of the said Execution against the said Corporation, levy whatsoever he shall be so enforced to pay as aforesaid, upon the Goods and Estate of such Persons as refused, or made Default in the Payment of the said Rate or Tax.

Provided always, and it is hereby Declared, That Lands or Tenements, Goods or Chattels given to any Corporation, to any pious or charitable Use; or which upon the Twenty-fifth Day of *March* now last past were, and yet are continued for any publick Uses, are not to be accounted the Lands or Tenements, Goods or Chattels of such Corporation, liable to Payment of their Debts within the Intention of this Act.

The Draught of an Act against Challenges, Duels, and all Provocations thereunto.

BE it *Enacted by the Authority of this present Parliament,* That all Duels or Combats in Writs of Right or Appeal, shall be from henceforth utterly taken away, and for ever abolished.

And it is further Enacted, That if any Person shall, from and after by Message, Word, Writing, or any other Way, either challenge, or cause to be challenged, any other to fight any Combat or Duel, or shall accept any such Challenge, every such Person who shall make, send, or accept any such Challenge, and every Person who shall knowingly carry the same, shall have his Right Hand publickly cut off, without any Pardon, and shall be bound to good Behaviour during Life: And if any such Person have any Title or Addition of Honour, he shall from thenceforth forfeit the same for ever.

And it is hereby Declared, That if any Person so challenged as aforesaid, do not with all convenient Speed discover the same to some Justice of the Peace, such Concealment shall be accounted an Acceptance of a Challenge within the Intention of this Act.

Provided always, That if any Person accused for challenging or sending, or carrying any Challenge, will, upon his Oath before a Magistrate, deny the challenging, or sending, or carrying any such Challenge; that then the Oath of the Party challenged, shall not in such Case be sufficient Evidence of itself to a Jury to convict such Person challenging, or sending or carrying any such Challenge.

And be it further Enacted, That every Person who shall from and after the Day aforesaid, actually fight any Duel upon any preceding Challenge or Appointment (although Death ensue not thereupon;) and every Person who shall as Second, or otherways knowingly accompany or assist any such Person, they and every of them shall lose their Right Hand, and shall forfeit all their Goods and Chattels, Lands and Tenements, and shall be for ever banished out of this Nation; and if they or any of them return, then to suffer the Pains of Death.

And if any Person shall be slain in any such Duel, such Person, and the Person killing, together with the Seconds and Assistants, shall be held and adjudged Murtherers, and shall incur Pains of Death, and Forfeitures of Lands and Tenements, Goods and Chattels, as Murtherers, without Benefit of Pardon or Reprieve, and shall be hanged in Chains: And the like Law and Punishment shall be for Parties challenging, or accepting any Challenge in *England,* and thereupon fighting

ing in any other Place, as if the Fact had been done within the Commonwealth of *England*. And the Trials and Judgment upon this Act may be had either at the Goal-delivery, or at the General Seſſions.

And to prevent Occaſions of Challenges and Quarrels, *Be it further Enacted*, That any Perſon or Perſons hereafter uſing any diſgraceful, provoking Words or Geſtures, ſhall be liable to an Indictment at the Goal-delivery or General Seſſions of the Peace: And if ſuch Perſon or Perſons ſhall be found guilty, the Judge or Juſtices of the Peace ſhall cauſe him or them to be bound to his or their good Behaviour, and ſhall likewiſe impoſe a Fine upon him or them for ſuch Offence, to be levied to the Uſe of the Commonwealth.

And alſo to make Reparation to the Party wronged (ſo it be not in Money) as to the ſaid Judge or Juſtices ſhall ſeem meet, upon Conſideration both of the Quality of the Perſons injured, and the Offence committed: And if any Perſon ſhall refuſe to give Obedience to the Sentence of the Judge or Juſtices herein, ſuch Perſon ſhall be committed to the Houſe of Correction, there to remain at Work, until he ſhall perform the ſame.

And it is laſtly Enacted, That no *Certiorari* ſhall be hereafter allowed to remove any ſuch Indictment as aforeſaid.

The Draught of an Act to make Debts aſſignable.

BE *it Enacted by the Authority of this preſent Parliament*, That from and after it ſhall be lawful for any Perſon reſiding within the Commonwealth of *England* (not being an Alien) to aſſign and make over to any Perſon reſiding in the ſame Commonwealth, any Debt or Debts due to ſuch Perſon by Virtue of any Matter of Record, or by Specialty of any kind, or by Bill of Exchange, ſo always as ſuch Aſſignment be made in Writing under the Hand of the Party aſſigning, and Notice thereof given to the Debtor; and from and after ſuch Notice, the Aſſignee ſhall and may maintain an Action in his own Name upon ſuch Aſſignation.

Provided always, That an Aſſignment of any Debt by any Perſon after Judgment againſt him for any Sum of Money, ſhall not be good ſo long as the ſaid Judgment ſhall be unſatisfied; and that nothing in this Act contained, ſhall bar or hinder Creditors from ſuch Relief as they might have had upon any Commiſſion of Bankrupt, if this Act had not been made.

The Draught of an Act to prevent Solicitation of Judges, Bribery, Extortion, Charge of Motions, and for Reſtriction of Pleaders.

BE *it Enacted by Authority of this preſent Parliament*, That no Perſon ſhall make any Application to any Judge of any Court of Judicature in any Cauſe, either by Word of Mouth, Meſſage, Letter, or otherwiſe (except the Parties, their Council, Attorney, Clerk, or known Solicitor in the Cauſe, and that alſo in the due Courſe of Proceedings:) And that it ſhall be Part of every Judge's

Judge's Oath, That if any Application be made to him contrary to this Act, he ſhall make a publick Diſcovery in open Court, at the next Sitting of the Court, both of the Perſons and particular Things, which he ſhall carefully obſerve.

That any Perſon, after publiſhing this Act, offering, giving, or taking a Bribe, or any Officer taking more than his juſt Fee upon any account whatever in the way of his Office (which is hereby declared Extortion) if he ſhall be accuſed for the ſame, ſhall and may be examined upon Oath for the Diſcovery thereof.

And be it further Enacted, That the Regiſter or Clerk of the Rules in every Court of Juſtice, ſhall keep a Book for Entry of all Motions, whereto Suiters, their Council, Attorneys, Clerks, or Solicitors may reſort, and write down the Subſtance of their Motions and Deſires, ſubſcribing their Names, and in the Margin the Day of the Month of ſuch Entry briefly; which Entries ſhall be numbered by the Regiſter or Clerk of the Rules, with Figures, according to the true Time of the Entry, and made known to the Court. And the Court ſhall appoint certain known Times for hearing, and ſhall (without any Motion from Counſel) hear the ſame according to the Order of their Entry, and not otherwiſe. And if the Regiſter or Clerk neglect their Duty herein, they ſhall for every ſuch Offence forfeit 5 *l.* and the Judge 20 *l.* one Moiety of both Forfeitures to the Commonwealth, and the other to the Party whoſe Motion ſtood then firſt in Order for hearing: And in caſe the Court ſhall find ſuch Motions cauſeleſs, they ſhall impoſe a Fine of 10 *s.* to the Commonwealth, and give the Party unjuſtly troubled thereby his full Coſts.

And be it further Enacted, That every Serjeant and Counſellor at Law ſhall (before the Beginning of every Term) enter his Name with the ſaid Regiſter or Clerk in that Court where he intends to plead for the Term following, and ſhall not plead or attend any Cauſe between Party and Party in any other Place, during the ſitting of that Court: And that no Perſon ſhall retain or have above three of Counſel in any Court, in any one Caſe at one Time, and ſhall forfeit 20 *l.* to the adverſe Party for every Counſellor which he ſhall have above that Number: And if any ſuch Pleader ſhall be retained of Counſel in any Cauſe in the Court where he hath once entered his Name, and ſhall give over pleading in the ſame Court before the Cauſe wherein he is ſo retained be heard, he ſhall repay all the Fees he hath taken from his Client in the Cauſe, unleſs ſuch Client himſelf delayeth the Proſecution of the Cauſe, in bringing the ſame to hearing.

Provided always, That any conſtant Counſel in Fee for a Corporation, may attend and plead in any Court for the ſaid Corporation, ſo as no Client's Cauſe, for whom he is retained in the Court where he entered his Name as aforeſaid, ſuffer Prejudice thereby.

The Draught of an Act for the better putting in Execution the Laws againſt Drunkenneſs, prophane Curſing and Swearing, Sabbath-breaking, and other Offences.

BE it *Enacted by the Authority of this preſent Parliament*, That it may and ſhall be lawful to and for any Perſon, as well Officer and Miniſter of Juſtice, as others, by Warrant or without, upon their hearing any Perſon prophanely Swear, Curſe, or Blaſpheme, or upon their ſeeing any Perſon drunk, or prophaning the Lord's Day, contrary to Law, forthwith to apprehend, or cauſe to be apprehended, every ſuch Offender; and thereupon, to bring every ſuch Offender to ſome Conſtable or Juſtice of Peace, to be dealt withal according to Law: And that it ſhall and may be lawful for every ſuch Perſon cauſing ſuch Offenders to be apprehended, to call any other to his Aſſiſtance.

That the Forfeiture hereafter to be incurred by any Perſon offending in Drunkenneſs or Sabbath-breaking, ſhall be rateably paid according to the Degree and Quality of the Perſon offending, in ſuch Manner as is limited and appointed for Perſons prophanely Curſing and Swearing, by an Act of this preſent Parliament; and every Perſon that ſhall prophanely Swear or Curſe, more than once at one Time, ſhall pay the Forfeitures for every ſuch Oath or Curſing, though there be but one Conviction.

That where any Perſon ſhall be hereafter convicted according to Law, for Drunkenneſs, prophane Curſing, Swearing, Blaſpheming, or for Sabbath-breaking, it ſhall be in the Power of the Judge or Juſtices before whom ſuch Conviction ſhall be, forthwith to demand the Penalties by Law inflicted upon ſuch Offenders; and for Non-payment thereof (or not giving ſuch good Security as the Judge or Juſtice ſhall approve of, to pay the ſame within Twenty-four Hours) it ſhall be lawful for every ſuch Judge or Juſtice to cauſe the Offender ſo refuſing to pay, to be ſet in the Stocks for the Space of twelve Hours, or to be ſet to work at the Work-houſe for ſuch Time as the ſaid Judge or Juſtice ſhall think fit, not exceeding twelve Days.

That if any Perſon ſhall inform any Judge or Juſtice of any Perſons that ſhall commit any of the Offences of Drunkenneſs, prophane Swearing and Curſing, or Sabbath-breaking aforeſaid, who ſhall thereupon be duly convicted; it ſhall be in the Power of ſuch Judge or Juſtice to allow out of the Penalties, forfeited by Law for ſuch Offences, ſome Part thereof for a Reward to the Perſon that ſhall inform thereof, provided that the ſame exceed not one third Part of the Penalty forfeited; and provided alſo, that ſuch Conviction be not upon the Oath of ſuch Perſon only that is to have ſuch Reward.

That if any Juſtice of Peace, or his Clerk, or any other, ſhall receive any Fee or Reward for any Warrant, Examination, or Proceeding, in reference to any Crimes or Forfeitures by this Act prohibited, the ſame ſhall be adjudged Extortion.

That if any Money payable for a Fine or Forfeiture within this Act be received by any Juſtice of Peace, or any other by his Appointment, other than a public Officer of Juſtice, and the ſame ſhall not be paid over within a Week then next

following, to the Overſeers of the Poor of the Pariſh where the Offence is committed, except what ſhall be allowed for Reward to the Proſecutor, ſuch Juſtice of Peace, for every ſuch Offence, ſhall forfeit the Sum of One Hundred Pounds, to be paid to the County Stock.

The Draught of an Act for County Regiſters, Wills and Adminiſtrations; and for preventing Inconvenience, Delay, Charge, and Irregularity in Chancery and Common Law (as well in Common Pleas, as Criminal and Capital Cauſes), and for ſettling County Judicatures, Guardians of Orphans, Courts of Appeal, County Treaſurers and Work-houſes; with Tables of Fees, and ſhort Forms of Declarations.

BE it *Enacted by the Authority of this preſent Parliament*, That at the ſecond General Seſſions of the Peace, to be holden next after the paſſing of this Act, for the City of *London*, and for all Counties of *England* and *Wales*, which are not a City and County, or a Town and County; the Juſtices then preſent, or the greater Number of them, ſhall provide and appoint ſome convenient Place within the reſpective Counties of *England* and *Wales* for a Regiſtry, and ſhall then alſo name ſix Honeſt, Able, and Underſtanding Perſons, to the Grand Jury, (after they be ſworn) who ſhall amongſt their Preſentments, give up the Names of two of the ſaid ſix, of which two, the ſaid Juſtices ſhall elect one to be Regiſter of that County; and in like manner, ſhall proceed from Time to Time, to elect a new Regiſter, upon Death or Removal. And when he is ſo choſen and ſworn, and hath given Security, (as hereafter by this Act is provided) he ſhall then give preſent Notice thereof, and of the Place appointed for the ſaid Regiſtry, to the Sheriff of the ſaid County, who, at the next County-court, ſhall in full Court make public Proclamation of the Place and Perſon ſo appointed for the Regiſtry; and from that Proclamation made, the Regiſtry ſhall be taken to be ſettled, to all Intents and Purpoſes according to this Act.

And the whole City of *Briſtol* (as to the Place of Regiſtry, and Matters to be Regiſtered) is to be accounted Part of the County of *Somerſet*: The whole Town of *Newcaſtle* part of *Durham*, and every other City and County, or Town and County, to be Part of the County within which the ſame doth lie. And Juſtices of Peace within every ſuch City and Town, may take Acknowledgments within their reſpective Liberties, of Things done there, as Juſtices of Peace of the County may do within the County, by Virtue of this preſent Act.

And every ſuch Regiſter is hereby authorized and enjoined to provide and keep a Stamp to print with Ink, having the Arms of this Commonwealth, and encircled with the Name of the reſpective County to which the ſame belongeth.

And be it further Enacted, That no Incumbrance that (before the ſaid Regiſtry ſhall be ſettled) ſhall be had, or ſuffered by any Judgment, or made by any who might lawfully make the ſame, ſhall be of Force againſt the Lands, Tenements, and Hereditaments of any that (without Notice of ſuch Incumbrance) is or ſhall be, for a valuable Conſideration, a Purchaſer of, or ſhall have ſubſequent Intereſt in, or Charge upon the ſaid Lands, Tenements, or Hereditaments ſo incumbered,

bered; except the ſaid Incumbrance, or the Effect thereof, ſhall be regiſtered within the Regiſtry of the County or Counties, where any will charge or take Benefit of the ſaid Incumbrance, within twelve Months next after the ſettling the ſaid Regiſtry, or before ſuch Purchaſe, ſubſequent Charge or Intereſt.

And that no Incumbrance to be ſuffered, had or made after the ſaid Regiſtry ſettled, ſhall be of Force againſt any ſubſequent Charge, Intereſt or Purchaſer, for valuable Conſideration (not having Notice as aforeſaid) except the ſaid Incumbrance ſhall be regiſtred in the reſpective County or Counties as aforeſaid, within forty Days next after the ſame ſhall be ſo had, made or ſuffered, or before ſuch Purchaſe, ſubſequent Charge or Intereſt.

And if any Perſon ſhall knowingly conceal any Deed or Inſtrument, whereby another is hindred from entering any Incumbrance at the Time of ſettling the ſaid Regiſtry, within the Time limited by this preſent Act, ſuch Perſon ſo concealing ſhall forfeit the full Value that any other Perſon is damnified by ſuch Concealment, to the Party that is ſo damnified thereby.

And every Perſon within Age, or of unſound Mind, or beyond the Seas, and Women covert, ſhall have for themſelves and their reſpective Heirs, Executors and Adminiſtrators, a full Year from and after full Age, ſound Mind, return from the Sea, and being diſcovert, to enter any Incumbrance had, made or granted, before the paſſing of this preſent Act: And all ſuch Incumbrances on the Behalf of the Commonwealth, ſhall be entered in the reſpective Counties, and within the Times aforeſaid, by the Officers of the public Revenue, who ought to iſſue out Proceſs for levying of the ſame. But all Rights of Paſturage, all Sorts of common Fiſhings, Fowlings, private Ways and Paſſages, Privileges, Incumbrances by Cuſtom or Preſcription, Title of Dower, Quit-Rents in Money, or otherwiſe; and Rites or Duties belonging to Manors, or Seigniories at the Time of paſſing this Act, Copy-hold or cuſtomary Eſtates, Leaſes not exceeding Twenty-one Years, or three Lives, or for any Number of Years determinable upon three Lives or under, whereupon the uſual Rent or more is or ſhall be reſerved; and all abſolute Eſtates in Fee-ſimple or Fee-tail, where the Tenements in Fee-ſimple, or Fee-tail, or their reſpective Under-tenants are in Poſſeſſion, are not to be held or accompted Incumbrances to be regiſtered within the Intention of this preſent Act.

And be it further Enacted, That all Deeds, Conveyances, or other Act, by any Perſon of full Age and ſound Mind, paſſing any Inheritance, Freehold, or Term of Years; and that all Diſcharges or Releaſes, which barr, paſs, or extinguiſh any Eſtate or Right; and all Aſſignments, Surrenders, Confirmations, Reſervations, Conditions, Covenants, Limitation of Uſes, Powers of Revocation; and all Truſts touching Lands, Tenements or Hereditaments, or Charges upon the ſame; and all Aſſignments of Debts amounting to One Hundred Pounds or more, which ſhall be had or made after the ſettling of this Regiſtry, ſhall be acknowledged before ſome Juſtice of the Peace in the ſame County, and by him ſubſcribed; for which he may receive Sixpence and no more. And being ſo acknowledged, they ſhall be regiſtered, together with the Names of all the Witneſſes thereunto, in a fair Book, to be ſafely kept in the Regiſtry of the ſaid County, where ſuch Lands, Tenements or Hereditaments lie and be;

and ſuch Aſſignee of a Debt ſhall be uncapable to ſue for the ſame until it be regiſtered.

And be it further Enacted, That where any Incumbrance upon Lands, Tenements or Hereditaments is ſatisfied; the Party who ought to diſcharge the ſame, ſhall upon requeſt make an Acknowledgment, Diſcharge, and Releaſe thereof under his Hand and Seal, and ſhall acknowledge the ſame before a Juſtice of Peace, that it may be regiſtered; and if he refuſe ſo to do, the Party ſatisfying ſuch Incumbrance, may maintain an Action for Recovery of what he hath paid in Diſcharge of ſuch Incumbrance; and the like Law for any who ſhall pay Money upon a Bond or Bill at the Day, if the Party receiving the ſame, do not deliver up the ſaid Bond or Bill, or make Oath before ſome Juſtice of Peace, that he has loſt it, and alſo give a Releaſe for the ſame.

But if any Perſon being in one County, ſhall convey, paſs, charge, releaſe, or diſcharge any Lands, Tenements or Hereditaments, lying in another County; he may acknowledge and enter the ſame as aforeſaid, in the County where he then is; and the Regiſter of that County ſhall forthwith cauſe a Certificate to be endorſed thereupon, of the Date of the regiſtering, and ſign the ſame with his Name, and put thereto the Seal of his Regiſtry; upon which Certificate, the Regiſter of the County where the ſaid Lands, Tenements or Hereditaments do lie, may and ſhall regiſter the ſame.

And be it further Enacted, That every Juſtice of Peace taking any Acknowledgment aforeſaid, ſhall either know the Party ſo acknowledging, or be informed by credible Witneſſes, That ſuch Party is the ſame mentioned in the Deed or Act to be regiſtered; and ſuch Juſtice of Peace may examine any ſuch Parties or others on their Oaths or otherwiſe, for diſcovering of the Truth; and any Perſon acknowledging ſuch Act or Deed in any others Name but his own, or counterfeiting the Stamp of any Regiſtry, or the Name of any Regiſter aforeſaid, ſhall be adjudged a Felon, and ſhall ſuffer Death, and incur other Forfeitures as a Felon.

And be it further Enacted, That every Deed or Conveyance ſo acknowledged and regiſtered, ſhall be good in Law againſt the Parties ſo acknowledging the ſame, their Heirs and Aſſigns, and all others whom ſuch Perſons may juſtly barr; and ſhall paſs ſuch Eſtate or Right as beneficially and effectually, as if the ſame had been paſſed by any Fine with Proclamations, common Recovery, Indenture inrolled within ſix Months in any Court of Record, or other Courſe of common Law, or Limitation of Uſe.

Provided always, That every married Woman that ſhall paſs or barr any Eſtate or Right, ſhall firſt be examined alone by the Juſtice of the Peace, and ſhall expreſs her free and full Conſent before ſuch Acknowledgment ſhall be admitted, and her Huſband join with her in the ſame Deed.

And be it further Enacted, That every Bond or Bill obligatory, which ſhall be acknowledged by the Party that made the ſame, and regiſtered in manner as aforeſaid, ſhall be of equal Force, with any Statute-ſtaple from the Time of ſuch regiſtering, and within the County where it was ſo acknowledged and regiſtered; and upon a Certificate from the Regiſter to the Sheriff, and Oath made before the Sheriff how much of the Debt and Intereſt is unpaid, the Sheriff ſhall forthwith proceed to do Execution as upon Writs of Extent, and make return thereof

thereof to the Regiſter, who ſhall enter it, and have like Fee, as is hereafter in this Act appointed for Copies.

And be it further Enacted, That a Conveyance made, acknowledged and regiſtered according to the Form of this Act, from the Time of regiſtering thereof, ſhall be as good in Law for any Manors, Lands, Tenements or Hereditaments of ancient Demeſn, as others; and ſhall be of equal Force as to all Manors, Lands, Tenements and Hereditaments (within that County where it is ſo regiſtered) to bind Privies and Strangers, as a Fine well levied in the Court of Common-Pleas, with Proclamations by Force of the Statute made in the fourth Year of King *Henry* VII. or without; ſaving to all Perſons, their Right, Title and Intereſt, and like Benefit of Entry, Action and Claim after ſuch Conveyance ſo regiſtered, as was ſaved by the ſaid Statute after a Fine levied, and Proclamation had and made, ſo as they may make their Entry, bring their Action, or purſue their Right, Title, Intereſt or Claim, within the ſame Time after the regiſtering ſuch Conveyance, as they ought to have done after ſuch Fine levied, and Proclamations had and made; and ſaving alſo to all Perſons not Parties or Privies to the ſaid Conveyance, the like and the ſame Exception as was ſaved to Perſons not Parties or Privies to any ſuch Fine by the Statute aforeſaid; and the paſſing of any Eſtate by a Fine, to be levied with Proclamations or without, from the Time of ſettling the County Regiſter, according to this Act, as to any Manors, Lands, Tenements or Hereditaments, within the ſaid County, is to be no more uſed.

That in caſe any Deed or Bond ſo regiſtered ſhall be loſt or miſlaid, ſo as the ſame cannot be produced, upon Oath thereof made, any Action may be brought and maintained upon a Copy of the ſame Deed or Bond ſo regiſtered, as if the ſaid Deed or Bond were produced under the Hand and Seal of the Party that acknowledged the ſame; and that every Deed or Bond indorſed, regiſtered and atteſted by the Stamp of the Regiſtry, ſhall and may be given in Evidence upon all Occaſions, as any Deed inrolled in a Court of Record without any further Proof.

That if any ſhall enter or cauſe to be entered in the ſaid Regiſtry, any Incumbrance which is not true, to the Damage of any other, ſuch as are or ſhall be damnified thereby, may maintain an Action for ſuch Entry in the ſaid Regiſtry, and recover their Damages and full Coſts.

That where any Perſon ſhall die ſeized of an Eſtate of Inheritance deſcendable to his Heir, ſuch Heir may before ſome Juſtice of the Peace of the County where the Inheritance deſcended doth lie, by Witneſſes upon Oath, (which ſaid Juſtice is hereby enabled to take) prove himſelf Heir to the Party deceaſed; and being ſo proved, the ſaid Juſtice ſhall certify the ſame for proved to the ſaid Regiſter, together with the Proofs; which ſhall be a ſufficient warrant for the regiſtering of the Certificate of the ſaid Juſtice of Peace; and being ſo regiſtered, and atteſted under the ſaid Regiſter's Hand, and Seal of his Office, ſhall be admitted to be given in Evidence for Proof of ſuch Perſon to be Heir, as an Office heretofore found upon a dying ſeized, returned into the Chancery: *Provided always*, That no ſuch Certificate ſhall be regiſtered within ſix Months next after the Death of the Anceſtor; nor then, if any Perſon ſhall before ſuch regiſtering, queſtion the Right of Heirſhip, and make the ſame known to the

Regiſter, before the Right of Heirſhip be determined by Trial at the common Law.

That if any (except a Woman married, or a Perſon diſabled in reſpect of Age or Inſanity of Mind) be to make Acknowledgment of a Deed or Inſtrument to be regiſtered, who is upon or beyond the Seas, or not able to travel to a Juſtice of Peace; he may make a Letter of Attorney, authorizing ſome other Perſon to acknowledge the ſame; which Letter of Attorney being well proved by two ſufficient Witneſſes before the Juſtice of Peace, who is to take the Acknowledgment; the ſaid Juſtice of Peace may thereupon take Acknowledgment thereof, by the ſaid Attorney thereto authorized, in ſuch Sort as if acknowledged by the Party; and being regiſtered, together with the ſaid Letter of Attorney, ſhall be of as good Effect as if it had been acknowledged in Perſon: And the chief Officer or Officers of a Corporation, may make an Acknowledgment on behalf of a Corporation of any Deed or Inſtrument under Seal of the Corporation: And any Grant under the Great Seal of *England*, may be regiſtered without Acknowledgment, upon producing the ſame under the ſaid Great Seal, and be of like Effect as other Grants acknowledged and regiſtered.

And it is further enacted, That every Regiſter ſo choſen as aforeſaid, ſhall before the Execution of his Office, take an Oath either in open Seſſions, or before two Juſtices of the Peace, to be certified to the next Seſſions for his faithful Execution of, and diligent Attendance upon the ſaid Office; and at the ſame Time ſhall alſo give Security by Recognizance, of Two Thouſand Pounds to the Commonwealth, conditioned, that he ſhall faithfully execute, and diligently attend upon the ſaid Office; out of which Security, Satisfaction ſhall be made to any Party by him damnified, by any undue Practice, Neglect or Miſcarriage in his ſaid Office; and he ſhall be further liable to be put out, upon juſt Cauſe preſented by the Grand Jury, to be tryed and determined in open Seſſions. And the ſaid Regiſter ſhall obſerve theſe Rules and Inſtructions following:

Inſtructions for the Regiſter.

I. HE ſhall provide one Book with a fair Margin, which ſhall be called *The Book of Entries*, wherein he ſhall ſhortly enter the Names of the Perſons making the Deed, Inſtrument or Incumbrance, the Perſon to whom, and the Nature thereof, with the Date, and ſhall number the ſame in the Margent: As for Example,

I. S. *A Judgment in the Common Plea againſt* I. N. *the one and twentieth of* May, 1651, *for one hundred Pounds Debt, and twenty Shillings Coſt, Roll.* 2.

I. D. *An Indenture of Sale of Lands in* S. &c. *to* I. S. *dated the one and twentieth of* May, 1651.

And ſhall enter every Deed and Inſtrument into his Book, in the order of Time as the ſame are brought to him.

II. He ſhall provide other fair Books with large Margents, called *Regiſter-Books*, and diſtinguiſhed one from another by Letters or otherwiſe, regiſtering without delay all Things appointed by this Act, with the number in the Margent agreeing with that in the Book of Entries, and cloſe to the End of the laſt

laſt Word of every thing regiſtered, the writing Clerk ſhall put to his Name; and then the thing ſo regiſtered ſhall be delivered back to the Party that brought it, and indorſed with the Day when the ſame is regiſtered (which is to be that Day when the ſame was firſt left with him) and the Book and Leaf wherein it is begun to be regiſtered, and ſubſcribe his Name, and put to the Stamp of his Office; and when the ſame is ſo regiſtered, then he ſhall make a ſhort Entry thereof in his Book of Entries: As for Example,

Regiſtered the two and twentieth of May, 1652, *Book* A. *pag.* 1.

III. The ſaid Regiſter-Books ſhall be of one Size, and each of them to contain a certain equal number of Leaves, to be figured and ruled on either Side and End of the Page, leaving a Margin, and a certain equal number of Lines written in every Page, writing ten Words at the leaſt in every Line one with another; which alſo ſhall be written in a fair legible Hand, without Interlineations, Blots or Raſures, as much as may be; and in caſe any ſuch ſhall happen, the Regiſter ſhall mention the ſame in his Indorſment.

IV. The Regiſter for the City of *London* (beſides the former Books) ſhall keep one Book diſtinct, wherein he ſhall enter all ſuch Goods, Eſtate or Truſt of the ſame, as ſhall be diſcovered by any Perſon whatſoever to belong to any in Execution, or againſt whom Execution is awarded within this Commonwealth.

V. Where any Releaſe or other Diſcharge is brought to the Regiſter (beſides the Entry thereof) he ſhall alſo make a Note of the ſame in the Margent of that Book where the Charge or Incumbrance was entered.

VI. The Regiſter for his Indorſment and Stamp, ſhall receive Twelve-pence to his own Uſe, and Twelve-pence to the Uſe of the Commonwealth; and if the thing regiſtered exceed twelve Lines, for every twelve Lines with ten Words in a Line, beſides the firſt twelve Lines, Three-pence and no more, whereof a Penny to the Treaſury of the County towards the County Stock.

VII. Every Regiſter ſhall make and keep perfect Alphabetical Tables and Kalenders, whereby the Names, Perſons, Conveyances and Incumbrances may be readily found upon Search, and for every Search ſhall receive Sixpence to his own Uſe, and no more; and ſhall permit any Perſon ſearching in the Preſence of the Regiſter or one of the Clerks, and not otherwiſe, to read over any thing by him ſearched for; but not to take Notes or Copies, but ſuch as ſhall be copied out by the Regiſter or his known Clerks; whereof the Searcher may take ſuch Part, and as little as he pleaſe, paying after the Rate of Two-pence for every twelve Lines; and if he requires to have it certified by the Regiſter under his Hand and Stamp of Office, he ſhall pay more to the Regiſter Six-pence to his own Uſe, and Twelve-pence to the Uſe of the Commonwealth; and of all ſuch Certificates the Regiſter ſhall keep a Book, wherein he ſhall enter a ſhort Note of his Certificate, and give Notice thereof to his chief Clerk, who ſhall alſo keep a little Book, wherein he ſhall enter a ſhort Note of all ſuch Certificates.

VIII. The Regiſter ſhall put in honeſt and able Clerks for whom he will anſwer, and ſhall execute this Office in Perſon and not by Deputy, ſave in Time of Sickneſs; during which Time, and in Vacancy of the Office by Death, the chief Clerk ſhall in his own Name do, receive and act as the Regiſter, and

keep

keep the ſaid printing Stamp: And the Hours of Attendance in the Office of Regiſtry ſhall be from nine to twelve in the Forenoon, and from two to four in the Afternoon of every Day, except the Lord's-day, and Days of public Humiliation and Thankſgiving, and no Candle-light or Fire ſhall come into the Place where Regiſter-books are kept.

IX. Any three of the Juſtices of the Peace (upon reaſonable Cauſe appearing to them) may licenſe the Regiſter to be abſent from the Office, ſo as they exceed not forty Days in any one Year; and that during the Time of his Abſence, the chief Clerk ſhall conſtantly attend and execute the ſaid Office.

And be it further Enacted, That the greater Number of the ſaid Juſtices of Peace reſpectively at the General Seſſions ſhall chuſe one to be Treaſurer for the County for a Year then next enſuing, and until another be elected, and ſo ſhall elect from Year to Year, or oftner in Caſe of Death; which ſaid Treaſurer is hereby made a Corporation, to take Lands or Goods, or other Things for Benefit of the ſaid County; and to ſue and be ſued, and to have Continuance for ever: And ſhall manage and diſpoſe of the Stock of the County, according to the Order of the Juſtices in public Seſſions; which Order is to be ſigned by five of the Juſtices at leaſt who made the ſaid Order: And every ſuch Treaſurer at the going out of his Office, his Heirs, Executors or Adminiſtrators, ſhall accompt to the next ſucceeding Treaſurer, and pay and deliver over by Indenture all Things in his or their Hands, belonging to the County Stock.

Touching Wills and Adminiſtrations.

BE *it Enacted by the Authority of this preſent Parliament*, That the Age of any Perſon to make or prove a Will of Goods or Chattels, from and after [illegible] ſhall be ſeventeen Years, and the Age to take an Adminiſtration, one and twenty Years and not under; and that from and after the ſaid Day, all Wills ſhall be allowed, and Adminiſtrations granted in Manner by this Act declared, and not otherwiſe; (that is to ſay) the allowing of Wills and granting Adminiſtrations, and all Things depending upon the ſame, of all Inhabitants dying within the County of *Middleſex*, or Perſons dying upon or beyond the Seas, who have no fixed Habitation in *England*, ſhall be within the Juriſdiction of the Court of *Common-Pleas* at *Weſtminſter*; and the Judges of the ſaid Court, or any two or more of them, are hereby enabled and impowered to do and act as the Court of *Common-Pleas*, and at all Times of the Year, touching all Matters and Things concerning Wills and Adminiſtrations within this preſent Act.

And be it further Enacted, That the Judges of the ſaid Court, or the greater Number of them, ſhall appoint a Regiſter for all Matters aforeſaid, and all Things depending thereupon within the ſaid Juriſdiction, who ſhall execute the ſame in Perſon and not by Deputy; and ſhall take an Oath before the ſaid Judges, or any two or more of them, to be faithful and uncorrupt in his ſaid Office: And every Will in Writing within the ſaid Juriſdiction (and if a Nuncupative Will, then the Effect thereof ſet down in Writing) ſhall be produced by the Executor (if any be named) and if none, then by ſome other, before ſome Juſtice of Peace of the ſaid County, or ſome Judge of the ſaid Court;

Court; and the Executor (where any is named, and where none, ſome Witneſs to the Will) ſhall take his Oath before ſuch Judge or Juſtice (who are hereby enabled to adminiſter the ſame) that he or they do verily believe, that the ſaid Will is the whole laſt Will of the Party deceaſed: And ſuch Judge or Juſtice ſhall atteſt the Effect of ſuch Oath made before him under his Hand and Seal, either under the Will, or affixed thereunto; which ſhall be a ſufficient Warrant for the Regiſter for Wills of the ſaid Court, to cauſe the ſaid Will to be fairly entered in a Regiſter-book by him to be kept for that Purpoſe: And he ſhall take the Executor's own Security to bring in an Inventory within forty Days, according to the true Intent of this Act, unleſs the Executor ſhall confeſs he hath ſufficient to perform the Will; and in ſuch Caſe, ſhall cauſe the Executor to give his own Security to perform the Will, and ſhall then deliver back the ſame Will, if it be in Writing (and if Nuncupative, a true Copy thereof, teſtifying under his Hand that it is allowed) to the Executor, where any is named, or elſe to the Adminiſtrator, with the Will annexed, under the Seal of the ſaid Court, if no Perſon oppoſe the Allowance thereof: And ſuch Allowance ſhall be as good to all Intents and Purpoſes, as a Will heretofore proved in common Form, under the Seal of the competent Ordinary.

And it is further Enacted, That where two or more Perſons (being within this Commonwealth, and of the Age of ſeventeen Years) are made Executors, if any one of the Executors ſo named ſhall not within one and twenty Days after Notice come in, and take upon him the Executorſhip, or ſhall renounce the Executorſhip before the ſaid Regiſter or any Judge of the ſaid Court, the Regiſter ſhall make Entry thereof in his Book; and that then ſuch Perſon or Perſons ſo renouncing, or not taking the ſaid Executorſhip, ſhall be diſabled to take upon him or them the Execution of the Will, or to Releaſe any Debt, or otherwiſe diſpoſe of the Eſtate of the deceaſed: And the other Executor or Executors that ſhall take upon him or them the Executorſhip, ſhall and may ſue, proſecute, adminiſter, and do all ſuch Acts as belong to the Office of an Executor, as if the Perſons not taking upon them the Execution or renouncing had not been named Executors in ſuch laſt Will.

And be it further Enacted, That if any Inhabitant within the ſaid County, or any Perſon upon or beyond the Seas, having no fixed Habitation in *England*, ſhall after die Inteſtate, or not naming an Executor, or that ſome Executor in the Will named, ſhall not within one and twenty Days after Notice of ſuch Will take upon him the Execution thereof; that then the Adminiſtration of ſuch Perſon ſo dying, ſhall be committed in ſuch Manner as hereafter is limited (that is to ſay) to the Huſband or Wife of ſuch Perſon ſo dying requiring the ſame; or if he or ſhe have no Huſband or Wife, or that ſuch Huſband or Wife ſhall not require ſuch Adminiſtration, then to the elder Child requiring the ſame, otherwiſe to ſuch next elder Child as ſhall require the ſame; and if no Child require it, then to the Father; and if no Father, then to the Mother of the Perſon deceaſed: And if no ſuch Father or Mother be, or that ſuch Father and Mother ſhall not require the ſame, then to the Heir at Law of ſuch Perſon deceaſed; ſo as the Perſons deſiring Adminiſtration (where there is no Will) do firſt make Oath, That they know of no Will, and give good and ſufficient Security to be allowed by the ſaid Judges,

or any two or more of them, faithfully to administer, and to do whatsoever such Administrator ought by Law to perform: And in Default of such Security, then to such Person or Persons as the said Judges, or any two or more of them shall think fit, upon Security given as aforesaid: Which Security shall be taken by the said Register in the Name of the *Keepers of the Liberty of England by Authority of Parliament*, and shall be put in Suit, vacated and discharged, as the Court shall find just; and all Administrations granted, and Allowance of Wills by the Register of Wills, within fourteen Days next after the Death of any Person, shall be void.

And be it further Enacted, That if any Person within the Age of seventeen Years be made Executor of any Will, or if any such Person to whom such Administration ought to be committed, shall be within the said Age, or an Ideot, or a Lunatick; that then during such Minority, Lunacy or Ideocy, the said Administration shall be committed to some fit Person or Persons to execute the same in right of the Infant, Lunatick or Ideot.

And be it further Enacted, That if at any Time before a Will be allowed or Administration granted, any Person shall oppose the same, the Person so opposing shall deliver unto the said Register in Writing, the Grounds and Reasons of such his Opposition, and shall then also give Security to the said Register to make good the same, and to pay the adverse Party Costs and Damages for Delay; and thereupon, the Allowance of the Will and granting Administration shall be staid until the Judges of the said Court shall hear and determine the same: Who in such and all other Cases upon Complaints of the undue setting on Foot, or Allowance of Wills, or undue granting Administrations (being put in Writing and delivered to the Register aforesaid) are to hear and determine the same without Delay: And in order thereunto, are impowered to summon Parties and Witnesses, and to punish Contemners by Fine and Imprisonment; and if any Matter of Fact shall arise before them, concerning any Will or granting Administration, then to direct a speedy Trial, summon a Jury, and proceed to try and give Judgment for the Allowance or Disallowance of the said Will, or granting Administration, in a summary Way, without observing any unnecessary Formality. And that during the Time that any Question depends before the said Judges, touching the Allowance of any Wills or granting Administration, the said Judges or any two or more of them shall take care to preserve the Estate of the deceased from perishing or being embezzeled, in such sort as they in their Discretions shall think fit; and until Administration be granted, or the Will allowed, no Part of the Deceased's Estate (except Goods perishable) shall be altered in Property, unless for the necessary Charges of the Funeral, and Sustenance of the Family.

And be it further enacted, That the said Executor or Administrator, within forty Days next after a Will allowed or Administration granted, shall cause three or more honest and able Persons (not of Kindred to the Deceased, but Inhabitants near the Place where the Deceased's Goods and Chattels are) to apprize the same at a true Value; and within the Time aforesaid, shall cause the same, and all the Money of, and particular Debts owing to, the Deceased by Mortgage or otherwise, and all Trusts of Goods, Chattels or Debts belonging to the said Deceased, to be inventoried and delivered into the said Register; and shall before

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one of the Judges of the ſaid Court make Oath, That he doth believe, that the ſaid Inventory doth contain all the Goods and teſtamentary Eſtate belonging to the Party deceaſed in Law or Equiry, without any wilful Omiſſion or Undervaluation.

And it is hereby declared and enacted, That the Jewels of the Wife during Coverture are the Goods of the deceaſed Huſband, where his other Goods and Chattels ſhall not be ſufficient to pay his Debts; and as any further Eſtate of a Perſon deceaſed after an Inventory put in ſhall be diſcovered, the ſaid Executor or Adminiſtrator ſhall cauſe the ſame, within forty Days next after ſuch Diſcovery, to be apprized, inventoried, and the Inventory delivered into the Regiſter, as before by this Act is appointed; and if any Executor or Adminiſtrator ſhall not within forty Days, (after any Goods or Eſtate belonging to the Deceaſed in Law or Equity, ſhall come to his Hands or Knowledge) cauſe the ſame to be inventoried, and the Inventory delivered into the Regiſter as aforeſaid; or if any other Perſon ſhall conceal in his Hands any Eſtate, or truſt of Eſtate liable to the Debts of the Deceaſed, and ſhall not diſcover the ſame to the Executor or Adminiſtrator, or to the Regiſter of Wills, where the Will is proved, or Adminiſtration granted, within forty Days; the ſame (as to any Creditor of the Deceaſed, who ſhall ſue any of the ſaid Parties for a Debt owing by the Deceaſed) ſhall and may be recovered for or towards the Satisfaction of ſuch Creditor's Debt; and if the Debt amount not to ſo much, the Surpluſage ſhall go to the Executor or Adminiſtrator: And if the Omiſſion of ſuch Executor or Adminiſtrator, or Concealment of any other Perſon be wilful, then the Party wilfully concealing as aforeſaid, ſhall forfeit double the Value of the Thing ſo wilfully concealed, towards the Satisfaction of the Debt of the Deceaſed; and if the Forfeiture be more than will ſatisfy ſuch Debt, the Surpluſage ſhall go to the reſt of the Creditors of the Perſon deceaſed (if any ſuch be) and the Creditor that firſt diſcovers and ſues for the ſame, to be firſt ſatisfied; and if none, then the Surpluſage ſhall be and remain to the Commonwealth.

And be it further Enacted, That the Allowance of Wills and granting Adminiſtrations of all Inhabitants dying within the City of *London*, and the Liberties thereof, ſhall be within the Juriſdiction and Cognizance of the Court of the Lord Mayor and Aldermen of the ſaid City, and not elſewhere; and the Judge or Judges of the ſaid Court, ſhall proceed and act in all matters concerning Allowance of Wills, and granting Adminiſtrations, and all Things depending upon the ſame within the ſaid Juriſdiction, as the Judges of the Court of *Common-Pleas*, (or any two or more of them) within the County of *Middleſex*; and he that is chief Clerk of the ſaid Court in *London*, ſhall alſo act and have like Benefit within the ſaid Juriſdiction of *London*, as the Regiſter for Wills of the Court of *Common-Pleas*, within the County of *Middleſex*.

And be it further Enacted, That the Allowance of Wills and granting Adminiſtrations, and all Things depending upon the ſame, of all Inhabitants dying within all other the reſpective Counties of *England*, ſhall be within the ſeveral and reſpective Juriſdictions and Cognizance of the ſeveral and reſpective Courts of Judicature of the ſaid Counties, hereafter in this Act appointed; and the five Judges choſen by the Council of State, for every ſuch Judicature, (as is hereafter directed) or any three or more of them, within their reſpective Counties, (whereof one to be learned in the Law, or one of the Judges of the Courts at

Weſtminſter) ſhall chuſe a Regiſter for Wills and Adminiſtrations; and ſhall and are hereby impowered to proceed and act in all Things touching the Premiſes within the ſaid reſpective Counties, as the Judges of the Common-Pleas, or any two or more of them may do within the County of *Middleſex*; and the ſaid Regiſter of each County Judicature, ſhall and may do and receive within ſuch County, as the Regiſter of the Court of Common-Pleas, within the ſaid County of *Middleſex*.

And be it further Enacted, That all Places (as touching all Matters within this Act) are to be accounted within the ſeveral and reſpective Counties of this Commonwealth, in ſuch Sort as for regiſtering Conveyances in the County Regiſtry: And that the Allowance of Wills and granting Adminiſtrations of Perſons dying in *Wales*, ſhall be within the ſeveral Juriſdictions of the Court of Great-Seſſions; who within their ſeveral Juriſdictions ſhall have like Power as the ſaid Court of Common-Pleas within the ſaid County of *Middleſex*.

And the Proof of a Will, and granting Adminiſtration of any Perſon dying in a Journey, or upon or beyond the Seas, where ſuch Perſon hath a fixed Habitation in *England* or *Wales*, ſhall be in the Place of ſuch fixed Habitation.

And be it further Enacted, That any Perſon having a Will in his Cuſtody, and wilfully concealing the ſame, by the ſpace of One and twenty Days (next after his Knowledge of the Teſtator's Deceaſe) from the Executor or the Court having Juriſdiction thereof, or Regiſter of the ſame; and where himſelf is Executor from the Court which hath Juriſdiction of allowing it, or the Regiſter thereof; ſuch Perſon being thereof convict, ſhall ſuffer ſuch Pains and Puniſhments, as a Perſon convicted of Perjury within this Act.

And be it further Enacted, That where any Perſon requires to have Witneſſes examined for Proof of any Will, he may repair to the Regiſter of the Court where the Will ought to be proved, and deliver to him in writing the Names and Sirnames of all ſuch Witneſſes, with their Qualities and Places of Habitation; and thereupon the ſaid Regiſter ſhall enter the ſaid Witneſſes Names in the Regiſter-book, and cauſe a Copy of their Names, Qualities and Places of Habitation, to be made and fixed upon public Place (where the Court of Judicature for Wills is uſually holden) for three Court Days, declaring by whom the ſaid Perſons are produced, and for Proof of what Will: And if within twenty Days next enſuing, there ſhall be no Order to the contrary by the Judges of the Judicature, having Juriſdiction for allowing of Wills, the ſaid Regiſter may proceed to cauſe ſuch Witneſſes to be ſworn before any of the ſaid Judges, and may examine them, and enter their Examinations in Books for that Purpoſe; and the ſaid Examinations, or true Copies atteſted under the Regiſter's Hand and Seal of the ſaid Court, are to be allowed as good Evidence in all Courts and Places, (if ſuch Witneſſes be dead, or cannot be brought to give Evidence) when their Teſtimony is to be uſed touching ſuch Wills.

And be it further Enacted, That the Surpluſage of the Goods, Chattels and Perſonal Eſtate of an Inteſtate, after Funeral Charges and Debts paid and diſcharged, ſhall be diſtributed in manner following; (that is to ſay) one third Part to the Huſband or Wife of the Inteſtate, and the Reſidue to the Children, in ſuch Proportion as every one may have an equal Share, accounting what they have received as Portion from the Inteſtate in his or her Life-Time; and if any of

ſuch

ſuch Children be dead, their Part ſhall be divided amongſt their Children after the ſame manner; and for Want of Children, Grandchildren or other lineal Deſcendants of the Inteſtate, then the whole to remain to the Huſband or Wife of ſuch Inteſtate; and if there ſhall be no ſuch Husband or Wife, then all the Surpluſage to be amongſt the Children of the Inteſtate, in manner as aforeſaid; and if any of the Children be dead, their Part or Share ſhall be divided amongſt their Children in like Manner: And for want of ſuch Children, or other lawful Deſcendants from them, the ſaid Surpluſage (remaining over and above one third part to the Adminiſtrator) ſhall be divided amongſt the Brothers and Siſters of the Inteſtate; and if any of them be dead, then his or her Share ſhall be divided amongſt his or their Children in like manner; and where there are no Brothers or Siſters, the ſame to go to the Father and Mother of the Inteſtate; and for want of ſuch, to the Grandfather or Grandmother: And there ſhall be no further or other Diviſion or Diſtribution of the Eſtate of ſuch Inteſtate; but the Diſtributions of all Inteſtates Eſtates, made by the Judges for Probate of Wills and granting Adminiſtrations, ſhall ſtand and be of Force as the ſame are by them already made.

Provided, That this Diſtribution ſhall not extend to the Eſtates of Free-men of *London*, nor to any Inteſtate's Eſtate, where the ſame is partable already according to Cuſtom.

And be it further Enacted, That Legacies in kind (after neceſſary Funeral Charges and Debts) are firſt to be paid, and Legacies in Money to abate in Proportion, where the Eſtate will not pay the whole, (if there be no Direction in the Will to the contrary:) And where any Legacy is payable to an Infant, Lunatick, or Ideot, the Court allowing Probate of the Will, may give Order for Payment to ſuch Perſon or Perſons, and upon ſuch good and ſufficient Security as they ſhall think fit, and for the Executor's Diſcharge, or of ſuch other Party as ſhall pay the ſame.

And though a Legatee hath received his whole Legacy, the Court may order Reſtitution of ſuch Part as they ſhall find to be more than his Share, by reaſon of Debts or Duties owing by the Teſtator, diſcovered after ſuch Legacy paid, or the Teſtator's hopeful Eſtate becoming deſperate: And that as well Legacies as Dividends within this Act, and Debts and Duties owing by Executors or Adminiſtrators, ſhall and may be recovered within the ſaid Court of Judicature, having Allowance of Wills, or in any other Manner by Action formed upon the Caſe, according to the Courſe of the Common Law, and either Plaintiff or Defendant may be examined upon Oath in the ſaid Courts, touching the Truth of any thing in Demand in ſuch Courts.

And be it further Enacted, That the Payment of a due Debt by an Executor or Adminiſtrator, by Specialty or without, (not having Notice of Debts to the Commonwealth, or by Judgment, Statute, or Recognizance, at the Time of Payment) ſhall not be accounted the waſting of an Eſtate.

And be it further Enacted, That where an Executor or Adminiſtrator, after an Inventory put in, ſhall deſire to paſs an Accompt and have a Diſcharge, he ſhall bring his Accompt in Writing under his Hand of all Receipts and Payments, and make Oath of the Truth thereof before the Regiſter of Wills, or the Judge of the Court, and deliver it to the ſaid Regiſter, who ſhall file the ſame, and cauſe to be entered in his Regiſter-Book, the Day when the Accompt was filed,

and ſhall thereupon cauſe a Writing to be made, and ſign it with his Hand, to this Effect:

The Day of A. B. the Executor or Adminiſtrator of C. D. brought in an Accompt of his Eſtate, and deſires to have his Diſcharge; if therefore any Party will oppoſe it, he may except againſt the ſame within ſix Months from the Date hereof, otherwiſe the Accompt will be allowed; which Writing he ſhall affix in ſome publick Place, where the Court uſually ſits, for ſix Court Days.

That if within the ſaid ſix Months no Exceptions be taken, or being taken, the Accompt notwithſtanding allowed by the Judges having Juriſdiction touching Wills and Adminiſtrations, who are hereby authorized to hear and determine the ſame, and examine Parties and Witneſſes, and try Matters of Fact by Jury, (where there are Exceptions taken) the Regiſter ſhall thereupon enter the ſame in his Regiſter-Book, and cauſe a Copy of the ſaid Accompt to be put under his Hand and Seal of the Court; and the ſame Accompt, as to all Matters of Payment particularly mentioned therein and allowed, ſhall be final, and a full Diſcharge to ſuch Executor or Adminiſtrator upon producing the ſame, upon any Trial, or other Occaſion whatſoever.

And be it further Enacted, That if any Perſon find himſelf aggrieved by any undue Allowance of a Will, or undue granting of an Adminiſtration, he may in the Court of the County Judicature, where the ſame was allowed or granted, (or in the Courts at *Weſtminſter*, where the Eſtates or Perſons concerned are in ſeveral Counties) bring an Action upon his Caſe againſt ſuch Executor or Adminiſtrator, and the ſame to be tried according to the Courſe of the Common Law; and if the Jury find for the Plaintiff, then ſuch Allowance of the Will or Adminiſtration, to be adjudged void, and the Will to be allowed, and Adminiſtration granted, according to the Right of the Party found by ſuch Verdict, which is to be final; and upon every Trial in ſuch Action, where any Verdict is given, or the Plaintiff becomes nonſuited, or diſcontinues his Suit, the Court is to give full Coſts on either Side, as there ſhall be Cauſe; and the Party that is to pay the Coſts, ſhall alſo pay a Fine of twenty Shillings to the Commonwealth.

And be it further Enacted, That where an Executor or Adminiſtrator, with a Will annexed, ſhall have proved a Will by Witneſſes, to the Judge's Satisfaction having Juriſdiction as aforeſaid, the ſaid Judges ſhall declare the ſaid Will proved by Witneſs, and the Regiſter ſhall enter the ſame and the Day thereof in the Regiſter Book; and (at the Deſire of any Party requiring it) ſhall certify the ſame, or a true Copy thereof under his Hand, to be proved by Witneſſes, and put the ſame under the Seal of the Court, which ſhall be allowed to be given in Evidence in any Court or Place whatſoever.

And be it further Enacted, That if an Heir ſhall be enforced to pay any Debt of the Anceſtor, where the Executor or Adminiſtrator is liable to Payment, (and have ſufficient Teſtamentary Eſtate to perform the Will, pay Debts and Funeral Charges, and alſo the Debt paid by the Heir) ſuch Heir may maintain an Action grounded upon his Caſe againſt ſuch Executor or Adminiſtrator for what he hath ſo paid, as if he were a Creditor of ſuch Anceſtor, and recover as far as there ſhall be Aſſets, with Coſts and Damages. *And*

And be it further Enacted, That Manors, Lands, Tenements, or Hereditaments, and the Rents and Profits of the ſame, which ſhall be deviſed, to be received or diſpoſed for Payment of Debts or Performance of a Will, ſhall (as to the Value of the ſame) be Aſſets to all Intents and Purpoſes for Payment of ſuch Debts and Legacies, at the Suit of any Creditor or Legatee, as other the perſonal Eſtate of ſuch Teſtator: But if the ſaid Manors and Lands ſhall be conceived to be over-valued by a Jury, the Party ſued may deliver the ſame at the Value to ſuch as ſhall recover any ſuch Debt or Legacy, or ſuffer Execution to go againſt the ſaid Manors, Lands, Tenements, or Hereditaments, and free his own proper Eſtate: Nevertheleſs, any other Creditor or Legatee of the Deceaſed, may, within ſix Months after ſuch Recovery, pay the ſaid Debt and Damages recovered, and ſhall have the ſaid Lands, Tenements, and Hereditaments towards his or their Satisfaction, and enjoy the ſame accordingly.

And be it further Enacted, That all Prohibitions for Stay of Suits in, and Writs of having the Body, and other Writs for removing Suits out of any of the ſaid Courts: And all Writs of Error upon Judgments by Confeſſion, or upon Default for not pleading, or after any general Verdict for any Matter within this preſent Act, ſhall be held null and void.

A Table of FEES, *touching all Matters within this Act.*

TO the Commonwealth for the Seal, where the Deceaſed's Teſtamentary Eſtate exceeds not 50 *l.*	0	0	6
Where it exceeds 100 *l.*	0	1	0
Where it exceeds 500 *l.*	0	2	0
For adminiſtring every Oath	0	0	4
To the Regiſter, for the Summons of any Parties or Witneſſes to appear, not exceeding ten in any one Proceſs	0	1	0
To the Commonwealth, for the Seal	0	0	6
To the Regiſter for every Order ſhortly drawn up	0	0	6
To him for examining a Witneſs, and entering his Examination in the Regiſtry	0	2	6
To him for a Search and Liberty to read	0	1	0
To him for taking Security	0	1	6
Whereof he is to pay Sixpence to the County Regiſter, for entering it there.			
To him for Proceſs of Execution upon any Security by him taken	0	1	0
To the Commonwealth for the Seal	0	0	6
To him for vacating or diſcharging any Security	0	0	6
To him for every Adminiſtration granted, or Allowance of a Will, not exceeding twelve Lines, with ten Words in a Line, and Entry thereof in the Regiſtry-Book, and his Care in preſerving the ſame	0	2	0
And where a Will exceeds twelve Lines, for every twelve Lines above the firſt, Three-pence, whereof one Penny to the Commonwealth			

To the Regiſter for Entry of any Suggeſtion in Oppoſition of any Will, or granting Adminiſtration, if under twelve Lines, accompting ten Words to a Line, two Shillings; if above twelve Lines, Three-pence for every twelve Lines above the firſt, whereof one Penny to the Commonwealth.

To him for all Copies, Two-pence for every twelve Lines, accounting ten Words to a Line: And if his Certificate be required under the Seal of the Court, Twelve-pence to him for his Certificate, and entering the ſame, and Six-pence to the Commonwealth for the Seal.

For writing any thing not herein expreſſed, for every twelve Lines with ten Words in a Line — — — — } 0 0 2

For an Anſwer in writing to a Petition — — — 0 2 6

Touching the Chancery.

BE *it Enacted by the Authority of this preſent Parliament*, That the Court of Chancery ſhall hear and determine all Cauſes of Equity in one certain public Place, to be appointed by the Judge or Judges thereof from Time to Time, and not elſewhere: And that there ſhall be in the ſaid Court a Chief-Clerk to be choſen from Time to Time by who ſhall from and after make forth all Proceſs and all Commiſſions, and other Things iſſuing out of the ſaid Court, and ſhall take the Returns of the ſame and file them: And alſo all Bills, Anſwers, Pleadings and Depoſitions in the ſaid Court, and enter and keep all the Records thereof and Matters filed (as of Record) there: And ſhall have ſuch and ſo many Under-Clerks for Writing and Diſpatch of Buſineſs under him, as ſhall be allowed and approved by the Judges of the ſaid Court from Time to Time, who ſhall adminiſter an Oath both to the Chief-Clerk and Under-Clerks, to deal faithfully and uncorruptly in their Places: And out of the Fees payable to the Chief Clerk, ſhall appoint how much the Under-Clerks ſhall have for their Pains, where the Fees are not aſcertained to ſuch Under-Clerk in the Table of Fees herewith publiſhed; which Chief-Clerk and Under-Clerks ſhall conſtantly attend and exerciſe their Places in Perſon and not by Deputy: And upon the Avoidance of the Chief-Clerk's Place, the Under-Clerks ſhall from Time to Time ſucceed according to their Antiquity, if they be not found uncapable of executing the ſaid Office: And all the Records and Matters filed on Record in the ſaid Court, ſhall from and after be in the Cuſtody of the ſaid Chief-Clerk, who is hereby appointed to take the ſame in his Charge.

SECT. II.

That there ſhall be ſuch and ſo many Attorneys of the ſaid Court, as the Judges thereof ſhall from Time to Time appoint, who ſhall be Under-clerks to the Chief-Clerk, and take the like Oath as Attorneys at the Common Law: And until ſuch Appointment be made, the Six Clerks, and Clerks of the Petty-bag; and the Under-Clerks to the Six Clerks in their Office, and to the Clerks of

of the Petty-bag in their Office, ſhall be Attorneys of the ſaid Court, who ſhall ſolicit their Clients Buſineſs, and inſtruct and aſſiſt them throughout the Courſe of Proceedings in their Cauſes.

SECT. III.

That the Proceſs for Appearance in the ſaid Court of Chancery, ſhall hereafter be by Summons and not otherwiſe, which Summons ſhall be thus:

The Keepers of the Liberty of England *by Authority of Parliament, To* A. B. *of* C. *in the County of* D. *We command you to ſatisfy* R. D. *of* F. *concerning the Complaint in his Bill, a Copy whereof we ſend you; or within fifteen Days after Notice hereof, to appear and anſwer the ſame. Given under the Great Seal of* England, *the Day of*

And the Name of the Party that made the Summons, and the true Party that ſued it forth, or the Attorney's Name, ſhall be underwritten.

SECT. IV.

That a Plaintiff may put the Names of all Defendants into one Summons, and that (and all other Proceſs of the ſaid Court) ſhall be ſealed open: And the ſhewing the Summons where the Defendant is preſent, and leaving a fair Copy thereof with him or her, and a Copy of the Bill; or leaving a Copy of the Summons and Bill at his or her Habitation, with ſome Perſon there (if any be to be found) or elſe at the Door of the Houſe (if no Perſon be there to be found) ſhall be a good Service on that Defendant: And the Party ſerving the ſame, ſhall indorſe the Summons with the Time and Manner of Service, and make Oath thereof before ſome Juſtice of Peace or Maſter of Chancery, and return it whence it iſſued, and the Bill ſhall be duly filed at or before the return of the Summons. And if the Defendant will examine his Copy with the Bill filed, he may do it without Fee; and, if deſired, like Examination of Copies of other Pleadings which are filed, ſhall be made without Fee.

SECT. V.

That from and after the eſtabliſhing of County Regiſters, any Perſon that exhibits a Suit in Equity for any Manors, Lands, Tenements or Hereditaments, ſhall not have the Benefit of any Decree to be made touching the ſame, as againſt any Purchaſer or other claiming Intereſt in or Profit out of the ſame for valuable Conſideration, but from the Time of the Entry of ſuch his Claim, Suit or Decree, in the Regiſtry where the ſame do lie.

SECT. VI.

That the Defendant being duly ſerved, and not appearing, ſhall forfeit forty Shillings to the Plaintiff, and twenty Shillings to the Commonwealth: And Proceſs ſhall be made forth, directed to the Sheriff, Coroner, or ſuch other Per-

ſon as the Plaintiff ſhall name, to attach the Defendant by Body, Lands and Goods, to inforce him to appear and anſwer, returnable at ſuch Time as the Plaintiff ſhall deſire: And if the Defendant doth pay the aforeſaid Forfeitures and Charge of the Proceſs; and under his Hand on the Backſide of the ſaid Proceſs declare, that he will appear at the Return thereof, and within eight Days after make his Defence; or otherwiſe ſhall make Oath before the Sheriff or Coroner (who are hereby enabled to take the ſame) that he had no Notice of the ſaid Summons, with ſuch Declaration to appear and anſwer as aforeſaid, then the ſaid Proceſs ſhall not be executed, or being executed ſhall be diſcharged: And ſuch Proceſs, either executed or thus indorſed, or where it cannot be executed, ſhall at the Return-day be returned whence it iſſued, and be there filed: And in caſe the Body cannot be attached, and Iſſues be returned upon Lands or Goods, the ſame ſhall be to the Value of four Pounds, which ſhall be forfeited for not appearing, one half to the Commonwealth, the other to the Plaintiff.

SECT. VII.

That where the Perſon of the Defendant ſhall not be attached upon this Proceſs, and in Cuſtody, or the ſaid Proceſs indorſed as aforeſaid, or the Defendant ſhall not appear on the Return thereof, the like Proceſs ſhall be ſent to all the Sheriffs and Coroners of *England*, and ſuch others as the Plaintiff ſhall name: And the Defendant ſhall alſo ſtand diſabled to proſecute any Suit in any Court (except in Cauſes where Iſſue is joined, and there only to Trial) and the Court may alſo ſequeſter the thing in demand by the Bill from the Party not appearing, until Appearance and Anſwer, except it appear to the Court by Oath, that (at the Service of the Summons) the Defendant was not within this Commonwealth; in which caſe the Court may give ſuch Time for Appearance and Anſwer as ſhall be meet.

SECT. VIII.

That where any Defendant hath declared under his Hand that he will appear as aforeſaid, and appeareth not, or is in Cuſtody for not appearing; or having appeared for not anſwering, or not anſwering ſufficiently, the Court ſhall order him to anſwer, or the Bill to be taken confeſſed; and if within eight Days after Notice of that Order the Defendant ſhall not anſwer accordingly, the ſaid Cauſe ſhall be put in the Book of Hearings, and ſuch Decree made thereupon, as if the Defendant had confeſſed the Equity in the Bill: And if upon the ſaid Hearing it ſhall appear, that the ſaid Defendant ought by Anſwer to diſcover any thing for the Plaintiff's Relief, the Court may inforce the ſame by ſtrict Reſtraint of the ſaid Defendant, and Fine to be impoſed by the Court; one half thereof to the Commonwealth, the other to the Plaintiff.

SECT. IX.

That where a Defendant doth Appear, and doth not Anſwer, Plead, or Demur within eight Days, he ſhall forfeit five Pounds for the firſt eight Days Default,

fault, to be paid to the Plaintiff, and ten Pounds for every eight Days Default after, one half to the Plaintiff, the other half to the Commonwealth: And the Party Plaintiff may nevertheleſs in ſuch caſe take forth ſuch Proceſs as before, to attach the Defendant by Body, Lands and Goods; and in caſe his Body be attached, and it doth not appear that he hath Lands and Goods ſufficient to anſwer the Plaintiff's Demand, his Body ſhall be kept in ſafe Cuſtody until he hath paid the Coſts and Forfeitures, and given good Security (to be taken in the Name of the Plaintiff, and approved by the Sheriff or ſuch Party as doth attach him) to appear upon the Return of the Proceſs and Anſwer, and not depart without the Leave of the Court.

SECT. X.

That any Juſtice of Peace or a Maſter of the Chancery in Ordinary, may take an Anſwer upon Oath, ſigned with the Defendants Hand or Mark, and ſhall deliver the ſame himſelf, or tranſmit the ſame, cloſe ſealed up, to the chief Clerk; and upon ſuch Delivery made (or tranſmitting, with an Oath that it was not altered ſince it was ſo ſealed up) the ſame ſhall be received and filed by the ſaid Clerk, as if it had been ſworn in Court or returned by Commiſſion: And a Juſtice of Peace may alſo take an Affidavit, ſo as he put his Hand and Seal thereto, and name the Place of his Habitation; and the ſame may be made uſe of in any Court, as if the ſame had been ſworn before a Judge of the ſame Court, but no Raſure or Interlineation is to be made in any Affidavit whatſoever.

SECT. XI.

That where the Plaintiff or Defendant do cauſe Anſwers, Pleas, Demurrers, Replications or Rejoinders to be filed by the Chief-Clerk, they ſhall give to the adverſe Party, or leave with his Attorney for him, a true Copy of the ſame, which he ſhall have without Fee.

SECT. XII.

That where any Defendant appears upon the Return of Summons or Proceſs, if the Bill exactly agreeing in Subſtance with the Copy delivered be not filed, he ſhall have his full Coſts, to be taxed by the Chief-Clerk, without further Attendance than the next Day at Noon after the Return-day, and not to appear again upon Suit of the ſame Party before the Coſts paid, and upon new Summons.

SECT. XIII.

That where any Defendant Pleads or Demurs, if it be in Term-time, the ſame ſhall be determined within the fourteen Days after the ſame is put in; if in Vacation-time, either before or in the firſt Week of the next Term; to which end the Judges of the Court ſhall appoint certain Times for the determining the ſame, not interrupting the Courſe of Hearing other Cauſes, and ſhall upon the firſt Hearing of a Plea or Demurrer give their poſitive Order therein without a

ſecond Hearing: And where any Plea or Demurer is over-ruled, the Defendant ſhall pay forty Shillings for a Fine to the Commonwealth, beſides the Plaintiff's Coſts.

SECT. XIV.

That when a ſufficient Anſwer is put in, the Plaintiff ſhall reply within eight Days; and if it be inſufficient, ſhall within eight Days put in Exceptions thereto, or enter it in the Regiſter's Books for Hearing upon the Anſwer, otherwiſe the Cauſe to be diſmiſſed without any Motion, and the Chief-Clerk to tax full Coſts within the Time aforeſaid, and no Diſmiſſion-Fee to be paid by the Defendant in this or any other; but if the Plaintiff will in ſuch caſe pay full Coſts and Charges, he may exhibit a new Bill.

SECT. XV.

That References to particular Maſters in Chancery be forborn, and there ſhall be from henceforth but ſix Maſters of the Chancery in Ordinary, to be named by the Parliament, and new ones elected at the End of every third Year, and to have by the Year; whereof three ſhall ſit daily at ſome certain public Place, ſo long as any thing depends in Reference before them, and ſhall have a Regiſter to attend them; which three Maſters, or two of them at the leaſt, ſhall hear and report all Things under their Hands which come before them, always ending one Cauſe before they begin another.

SECT. XVI.

That for the orderly Hearing of Cauſes and Motions in Court, and References before Maſters of Chancery, the Regiſter ſhall keep two diſtinct Books, in one of which any Party who hath a Cauſe ready for Hearing or Motion ſhall enter the ſame; in the other of them, every Perſon who hath any Reference to the Maſters of the Chancery, ſhall enter the ſame, the Regiſter always (in the Margin) figuring the Books by Numbers according to the Time of their Entry, and the Party entering every ſuch Cauſe or Reference, ſubſcribing his Name: And there ſhall not hereafter be any Motions in Court for References of inſufficient Anſwers to Bills or Interrogatories, or touching Contempts, or for Scandal, or Impertinency in Bills or Anſwers; but any Party deſiring a Reference in any ſuch Caſe, may enter the ſame in the ſaid Book of References, to be heard before the Maſters.

SECT. XVII.

That if the Judges or Maſters of Chancery ſhall hear any Cauſe, Motion or Reference, in any Order than as they are ſet down in the ſaid Regiſter's Books, they ſhall forfeit twenty Pounds, one half to the Commonwealth, the other half to the Party whoſe Cauſe ſhould have been heard in due Courſe; and the Regiſter to forfeit five Pounds (to be paid in Moieties as aforeſaid) that ſhall alter the Number in the ſaid Book, except it be by conſent of Parties, or where neither

neither Party doth attend, and then ſuch Cauſe to be put at the End of all the Cauſes then entered in the ſaid Books reſpectively.

SECT. XVIII.

That upon a ſecond inſufficient Anſwer, the Party ſhall be committed and kept within the Priſon, until he make a ſufficient Anſwer.

SECT. XIX.

That in Caſe Exceptions be taken to a Report, requiring the Opinion of the Court, the ſame ſhall be entered in the Book for Motions, and the Party excepting ſhall depoſite Three Pounds with the Regiſter; and if the Court ſhall judge the Exceptions good, it ſhall be reſtored him, and the adverſe Party ſhall pay him Forty Shillings Coſts: But if his Exceptions be adjudged frivolous, the Commonwealth ſhall have Twenty Shillings of the Three Pounds, and the adverſe Party the reſidue.

SECT. XX.

That after a Defendant hath once appeared, he ſhall perfect his Anſwer, and join in Commiſſion, and attend the Hearing upon Notice to his Attorney or known Sollicitor, without any more Proceſs, and the Plaintiff to do the like after he hath replied.

SECT. XXI.

That in every Cauſe where Commiſſions are prayed to examine Witneſſes, Duplicate Commiſſions ſhall iſſue at the Requeſt of the Defendant, to be executed in ſuch Counties as either Party ſhall think fit, which may be executed in any Place, and returnable within ſixty Days from the Date; and at the Return, Publication to paſs of Courſe, and either Party or his Attorney to be at Liberty to enter the ſame into the Regiſter's Book of Hearing; and if no Commiſſion iſſue, and Witneſſes be examined in Court, the Cauſe ſhall be publiſhed within ſixty Days from the Time of the Replication, and then to be entered with the Regiſter as formerly: But where Commiſſions are to be executed beyond the Seas, the Chief-Clerk ſhall ſet down a Time for Return and Publication, and either Party may produce, or by Proceſs of Court enforce ſuch Witneſſes to teſtify at the Hearing, as he could not produce within ſixty Days to be examined, ſo as Notice be given in writing to the other Party (before Publication) of ſuch Witneſſes Names, and Places of Abode, and to what Points they are to be examined at the Hearing; and where the Court gives order to any to examine Parties or Witneſſes, the ſame is to be done by Virtue of that Order, without any Commiſſion; and the Charges of Commiſſions in ſuch Caſe are to be ſpared.

SECT.

SECT. XXII.

That where Witneſſes ſhall be examined to prove a Contempt, the Party accuſed may likewiſe examine Witneſſes to clear the ſame.

SECT. XXIII.

That Commiſſioners for Examination of Witneſſes ſhall take an Oath, before Execution of any Commiſſion, to execute the ſame faithfully and impartially, which each Commiſſioner is impowered to adminiſter to the other; and the Clerks attending ſuch Commiſſioners ſhall take an Oath, (which is to be adminiſtered by the Commiſſioners) to write down the Depoſitions of the Witneſſes, truly and indifferently without Partiality: And every Witneſs ſhall be ſworn and examined, and his Depoſition put in writing in Preſence of the Commiſſioners, and not elſewhere.

SECT. XXIV.

That after Publication, either Party or any for them, may view the Depoſitions of either ſide, and not be obliged to take Copies of any more than he ſhall conceive material, ſo as he take not the Part of a Depoſition to one Interrogatory; and Plaintiffs and Defendants may (if they agree) take but one Copy of all or any Part of the Depoſitions, and make uſe of the ſame.

SECT. XXV.

That no Stay ſhall be made of any Proceedings at the common Law, upon a Bill of Exchange between Merchants, nor of Execution upon a Judgment at Law, upon a Bill exhibited after the ſaid Judgment, without a Defeazance in writing of ſuch Judgment, until the final Hearing of the Cauſe.

SECT. XXVI.

That no Stay of any Proceedings at Law ſhall be, but upon Equity confeſſed in the Parties Anſwer who is ſtayed, or where the Party ſtayed is in Contempt for not anſwering, or not ſufficiently anſwering to ſome material Charge; and in ſuch Caſes the Stay to be void upon clearing the Contempt or ſufficiently anſwering, without any further Order.

SECT. XXVII.

That where any Cauſe comes to Hearing, the Judges ſhall determine the ſame without Delay or any ſecond Hearing; but if both Parties conſent, the Cauſe may be put the laſt in the Regiſter's Book of Hearings; or where the Parties conſent to a Reference, the Court may refer it.

Provided,

Provided, That no Judge before full Hearing doth move either Party to conſent in either of the ſaid Caſes, and where any Reference ſhall be made by Conſent of Parties, they ſhall not have Power to countermand it, and an Award or Arbitrament made thereupon ſhall be final, as if the Reference were made by Order of Court, and ſhall be ſufficient Ground for a Decree: And the Judges ſhall ſit conſtantly, as well in Vacation as Term, until all Cauſes and Motions in the Regiſter's Books be heard and determined, and they ſhall in all Caſes pronounce their Decree preſently in Court at the Hearing, ſave in Caſes of very great Difficulty, and there not to exceed ten Days, and not to hear Council a ſecond Time in the ſaid Cauſe.

SECT. XXVIII.

That the Regiſter ſhall not execute his Office by Deputy (except in Caſe of Sickneſs, and then the Court to appoint one) and ſhall in his Draught of Orders ſhortly expreſs the Senſe of the Court (as Rules in the Courts of common Law) without any unneceſſary Preambles; and if the Regiſter draw up any Order contrary to, or not agreeing with, the Order pronounced in Court, he ſhall anſwer the Party grieved thereby his full Coſts and Damages, to be given him by the Court, or to be recovered by Action upon the Caſe at his Election.

SECT. XXIX.

That the Regiſter ſhall upon every Decree pronounced in Court, enter the very Words of the Decree in his Book, without any Interlineation, and publickly read the ſame in Court, at that ſitting of the Court to be there allowed; and the Judges ſhall ſign all Decrees publickly in Court, at certain Times to be appointed for that Purpoſe, which Decrees are to be drawn up forthwith after the Decree pronounced; and that from and after [illegible] no Suit ſhall be admitted in any Court of Equity, for obtaining any Decree for any Manors, Lands, Tenements or Hereditaments, upon any Pretence of Truſt or Agreement whatſoever, which ſhall not appear in Writing under the Hand of the Party who ought to perform the ſame, or by ſome Deed or Will in writing.

SECT. XXX.

That in all Caſes where a Plaintiff is diſmiſſed, the Defendant ſhall have full Coſts; and where the Plaintiff hath juſt Cauſe of Relief, the Plaintiff ſhall have full Coſts, ſaving in caſe where he might have had the like Benefit without Suit; and there he ſhall have no Coſts, but pay the adverſe Party Full Coſts, and a Fine of Forty Shillings to the Commonwealth; ſaving alſo where the Defendant by Anſwer ſubmits to the Judgment of the Court, and claims nothing to his own Uſe, in which Caſe he ſhall pay neither Coſts nor Fine, but the Plaintiff to pay him Coſts if the Court find Cauſe; and where the Plaintiff is relieved for Part, and diſmiſſed for Part, either Party to pay Coſts to the other; and if a Plaintiff be relieved againſt one or more Defendants, and not againſt others, ſuch

others ſhall have their full Coſts: And where any is to pay Coſts and is not able, ſuch Party ſhall be ſent to the Work-houſe to work, during the Pleaſure of the Court (one half of the Benefit of his Work to go towards Payment of Coſts) or be whipt, or both, at the Diſcretion of the Court: And no Perſon is to be admitted to ſue as a poor Man, unleſs he bring a Certificate from ſome Juſtice of the Peace, Councellor or Serjeant at Law, or Judge of the County Judicature, of his Poverty, and the Juſtice of his Caſe.

SECT. XXXI.

That in all Caſes where a Plaintiff is diſmiſſed, he ſhall pay a Fine to the Commonwealth of twenty Shillings: And if the Plaintiff hath a Decree againſt any Defendant, ſuch Defendant ſhall pay a like Fine to the Commonwealth, where he pays Coſts to the adverſe Party: And a Defendant for every inſufficient Anſwer (after the firſt) ſhall pay a like Fine to the Commonwealth, and a Plaintiff a like Fine for frivolous Exceptions: And every Perſon judged in Contempt, or that ſhall unneceſſarily trouble the Maſters of the Court, by entering a Reference before them in the Book, ſhall pay a like Fine to the Commonwealth.

SECT. XXXII.

That the ſhewing a Decretal or other Order of the Court under the Regiſter's Hand, to the Party who is to obſerve the ſame, and leaving a Copy thereof with him, or leaving the ſame at his Dwelling with ſome Perſon there (if any be to be found) or otherwiſe at the Door of the Houſe, ſhall be a ſufficient Service; and the Party ſhall be in Contempt, if he yield not Obedience thereunto within eight Days, and thereupon Proceſs may and ſhall iſſue to attach his Body; and if the Order be to pay Money, then alſo to levy the ſame of his Goods and Chattels, Lands and Tenements, as upon a Judgment of the Common Law, and direct it to the Sheriff or Coroner: And the Sheriff and Coroner in Execution of their Offices, upon Proceſs forth of Chancery, ſhall have the ſame Power as in Execution of Proceſs at Common Law, and levy their own Fee, beſides the Money for the Party or Commonwealth, and behave themſelves as in Caſes of other Executions: And all Proceſs of Summons under a Penalty, and the Courſe of Arreſting, by any other Writ of Attachment than is by this Act appointed, Attachment with Proclamation, Commiſſion of Rebellion, Meſſenger and Serjeant at Arms (as to the Execution of any Proceſs of the ſaid Court) ſhall be henceforth forborn; and the Writs of Executions, of Orders and Decrees, and Injunctions under Seal, to be no more uſed.

SECT. XXXIII.

That where any Man is attached for Breach of a Degree, he ſhall not be ſet at Liberty but by ſpecial Order of the Court: And in all ſuch Proceſs of Attachment it ſhall be mentioned, that it is for Breach of a Degree.

SECT.

SECT. XXXIV.

That there ſhall be no more Money ordered to be paid into the Court, unleſs by conſent of both Parties, and no Fee ſhall be paid for paying out the Money already in Court: And the Party who ought to have Damages for detaining any Money which is brought into Court, ſhall have it during the Time the Money remains in Court, to be paid by ſuch as were the cauſe of bringing it into Court.

SECT. XXXV.

That where any Party may now take forth a *Subpæna* of Courſe to bring in a Deed, the Regiſter ſhall grant an Order of Courſe under his Hand, and like Order where the Court directs it, and the *Subpæna ducens tecum* to be forborne; and the Regiſter ſhall take for ſuch Order and entering it Twelve-pence, and no more.

SECT. XXXVI.

That the Time of Redemption of Lands mortgaged before, or at the paſſing of this Law (where no Suit is depending for the ſame) ſhall not exceed two Years from the paſſing of this Act: And the Time of Redemption upon any Mortgage after to be made, ſhall not exceed one Year from the Entry of the Mortgagee, after the Condition broken; and from the Time of Entry, within the Year, and until Redemption, the Mortgagee ſhall receive double Damages, if it be redeemed, unleſs where an Infant is the Heir of a Mortgager, and to redeem; who ſhall have two Years and not above, from the Time of the Entry of the Mortgagee, after the Condition broken, paying ſingle Damages; and that in all Caſes where the Mortgagee dies, leaving an Heir within Age, and the Mortgage redeemable, ſuch Heir, upon Satisfaction of Coſts and Damages, may join with his Guardian to make Reconveyance of the Land mortgaged, and the ſame ſhall be good againſt ſuch Infant, and all claiming under him.

SECT. XXXVII.

That from the Time of Hearing, in Suits now depending in Courts of Equity upon Mortgages, there ſhall not be in any caſe above ſix Months allowed for Time of Redemption, from the Hearing of the Cauſe, and there ſhall be no ſtop of any legal Proceedings upon any Mortgage, unleſs Equity be confeſſed in the Defendant's Anſwer, or adjudged by the Court upon the Hearing of the Cauſe.

SECT. XXXVIII.

That a Mortgagee entering, and a Mortagager redeeming Lands mortgaged, the Mortgagee ſhall not be reſponſable for more than the Profits he hath clearly made of the Lands, while he had the ſame in Mortgage, deducting his neceſſary Charges, which ſhall be determined by the Oath of the Mortgagee, his Heirs or Aſſigns, and no other Proof ſhall be required or admitted.

SECT. XXXIX.

That the Form of the Oath ſhall be, *That neither the Mortgagee, nor any other deriving Title under him to his Uſe, hath made other or more Profits of the Lands than are given in upon ſuch Oath, as far as he knoweth, believeth, or can poſſibly diſcover; and that there hath not been any Fraud or wilful Neglect, ſo far as he knoweth or believeth, in the Management thereof, whereby the beſt Profit was not made to his Uſe of the Lands or Tenements mortgaged.*

SECT. XL.

That in caſe where a Court of Equity relieveth againſt a Penalty or Forfeiture at Common Law, the Party relieved ſhall pay the adverſe Party double Damages, unleſs in caſe of Infancy, or where it ſhall appear by Proof, that the Default was not by or through his Careleſneſs or Negligence: And the Surpluſage of Mortgage-money, upon an Eſtate mortgaged in Fee-ſimple forfeited, and redeemed, ſhall go to the Heir after the Mortgagee's Debts paid, and his Will performed (if he made any;) if not, than the Surpluſage of the Money, after Payment of Debts, ſhall go to the younger Child or Children of the Mortgager unprovided for.

And be it laſtly Enacted, That a Table of Fees ſhall be hung up in the Court of Chancery for Cauſes in Equity: And no Serjeant or Councellor at Law, Officer, Miniſter or Clerk of the ſaid Court, ſhall take any other Fee or Sum of Money, for or in reſpect of any Cauſe there depending, or Copy of any Record or other thing there filed and regiſtered, or put to the Seal, upon Pain to be puniſhed as an Extortioner, and diſabled to bear any Office of Truſt or Profit in the Commonwealth, unleſs the ſame ſhall be allowed by Parliament;

Which Table of Fees ſhall be as followeth;

	l.	*s.*	*d.*
TO Serjeants and Barriſters at Law upon a Motion, Reference, giving Advice, or ſigning Bills or Pleadings	0	10	0
For a Hearing or Arguing a Plea or Demurr	1	0	0
To the Maſters of the Chancery for examining every Skin of an Exemplification of a Record	0	2	0
For taking the Acknowledgment of a Deed or Recognizance to be inrolled	0	0	6
To the chief Clerk for Writing the Summons and Filing upon the Return, beſides the Seal	0	1	0
The like Fee for a Summons to teſtify.			
For the Seal of that and every other Proceſs, to the uſe of the Commonwealth	0	0	6
For adminiſtering any Oath	0	0	4
For Proceſs of Attachment by Body, Lands or Goods, or any of them, and Filing upon Return, beſides the Seal	0	1	0
To the Attorney for the Plaintiff, for Filing the Bill the firſt Term	0	3	4
The like to the Defendant's Attorney for putting in the Anſwer,			

To

To the Attorney of either Party in the Term, when iſſue is joined 0 3 4
To the Attorney of either Party at the Hearing —— —— 0 3 4
And three Shillings and Four-pence more for preparing a Breviat and inſtructing Council.
To the Clerk that ingroſſeth a Commiſſion to examine Witneſſes 0 2 0
To the Examiner for the Examination of a Witneſs, or upon Contempt 0 2 6
To the Clerk for Writing and Ingroſſing Depoſitions upon a Commiſſion, for every twelve Lines containing ten Words in a Line 0 0 3

To all the Officers of the Court reſpectively, where they are required to ſubſcribe their Names to any thing in Court ready written by way of Certificate, Four-pence (if it exceed not twelve Lines with ten Words in a Line) if it exceed twelve Lines, and under twenty-four, Eight-pence; if above twenty-four Lines, Twelve-pence.

For the Filing an Affidavit, One-penny; and for Copies for every twelve Lines with ten Words in a Line, Two-pence.

To the Regiſter for Drawing and Entering every Order, not exceeding twelve Lines with ten Words in a Line, Twelve-pence; and for every twelve Lines above the firſt, Six-pence; and for Copies of Orders, for every twelve Lines, Two-pence.

For drawing Decrees and Diſmiſſions, to the Attorney for every twelve Lines with ten Words in a Line, Three-pence; for Inrolment, Two-pence; for an Exemplification, Three-pence for every twelve Lines with ten Words in a Line.

For a Search and Reading any Order or Record in Chancery 0 1 0

To the Cryer and Door-keeper, to each of them upon the final Hearing of every Cauſe, from the Party that hath the Decree, or for whom Diſmiſſion is pronounced, Twelve-pence.

For the Copy of any Record in Chancery, or other thing there filed, not before particularly expreſſed, Two-pence for every twelve Lines with ten Words in a Line, the Party taking what Part he pleaſeth.

For writing any thing to the Seal, not beforementioned, for every twelve Lines with ten Words in a Line, Three-pence; and to the Commonwealth for the whole Great Seal, the ſame Fees that have been accuſtomed.

For every Anſwer in Writing a Petition —— —— 0 2 6

Touching the Common Law and County Judicatures.

FOR the preventing unneceſſary Charge and Delay in recovering of Rights by the Courſe of the Common Law, *Be it Enacted by the Authority of this preſent Parliament*, That there ſhall be ſix Judges for the Court of Upper-Bench, and ſix for the Court of Common-Pleas at *Weſtminſter*; and that all Common-Pleas between Party and Party which ſhall be commenced at *Weſtminſter*, ſhall from and after be commenced in the Court of Common-Pleas, and not elſewhere: And all Barriſters at Law, as well as

Serjeants at Law, may plead there, and all Attorneys (to be allowed as hereafter is by this Act appointed) may practiſe at their Election in any Court.

SECT. II.

That in every County of *England*, (except *London* and *Middleſex*) there ſhall be a Court of Record, called *The County Judicature*, which ſhall have Power to hear and determine all Matters which Juſtices of Peace, Juſtices of *Oyer* and *Terminer*, or Juſtices of Goal Delivery, may hear and determine: And alſo to hear all Cauſes tryable in the County, and to hear and determine all perſonal and mixed Actions there commenced; and ſhall have like Power to all Intents and Purpoſes within the ſaid County, for the Adminiſtration and Execution of Juſtice in capital and criminal Cauſes, and upon penal Statutes, and in all perſonal and mixed Actions commenced in the ſaid Court, if the Cauſe of Action ariſeth within the ſaid County, or for any thing lying within the ſaid County; or in tranſitory Actions which concern not Title of Land, where the Defendant lives there, as the Juſtices of the Upper-Bench and Common-Pleas have in their reſpective Courts.

SECT. III.

That the ſaid Judicature ſhall conſiſt of five Judges, beſides one of the Judges of the Courts at *Weſtminſter*, (ſix in all) which five Judges ſhall be choſen in Manner following (that is to ſay) the Juſtices of Peace at their ſecond General Seſſions of the Peace, next after the paſſing of this Act, ſhall chuſe ten of the moſt honeſt, underſtanding and able Men inhabiting within the ſaid County, of which two (at the leaſt) to be learned in the Law, and preſent their Names to the Council of State, who ſhall out of them chuſe five (and one of thoſe five at leaſt to be learned in the Law) who ſhall be Judges of the ſaid Judicature, for three Years thence next enſuing; which new Election ſhall be by the Juſtices of the Peace at the General Seſſions next after the twenty-fifth Day of *March*, after three Years, and by the Council of State in manner before expreſſed, and to have Continuance for three Years, and like ſucceſſive new Elections for ever: And where any of the ſaid five Judges die, or ſhall be removed within the ſaid three Years, the Council of State is to put in one into the Place of ſuch Judge, out of the Names formerly preſented, to continue till the new General Election.

SECT. IV.

That the Judges of the ſaid Judicature, or any two or more of them, with the Chief-Clerk of the ſaid Court (hereafter appointed) or any three or more of them without him, may and ſhall all Times of the Year (except Days by Law prohibited) hold the ſaid Court for awarding and returning Proceſs, and preparing Cauſes for Hearing or Trial, and may adjourn the Court to ſuch Time and Place within the ſaid County as they ſhall think fit, not exceeding one Week at a Time, except in the Time of the Harveſt, and then not exceeding one Month: And the ſaid Judges, or any three or more of them (where-

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of a Judge of one of the ſaid Courts at *Weſtminſter*, or one learned in the Law to be one) may award Judgment by Default, Writs of Enquiry of Damages, or Judgment and Execution upon Defaults as ſhall be juſt; and may alſo ſummon Jurors, and hear and determine all perſonal Actions, or Actions for Poſſeſſions where no Title comes in Queſtion; and all Matters which Juſtices of Peace may now do, in General and Quarter Seſſions of the Peace; and may ſummon Juries for taking all Inquiſitions, which are to be taken before the Sheriff of the County, and with the Sheriff to take Inquiſitions accordingly, and to do all Things which are to be done at the County Court: And the ſaid Judges, or any three of them (whereof a Judge of one of the ſaid Courts at *Weſtminſter* to be one) may award Proceſs to ſummon Jurors, and may proceed to hear and determine all Matters which Juſtices of Goal-Delivery or *Oyer* and *Terminer* may do; and may alſo hear and determine all Cauſes commenced in the ſaid Judicature, and try by Jury all Cauſes whatſoever triable within the ſaid County, and ſhall be called the General Seſſion, where the Sheriffs, and all Juſtices of Peace, Coroners, and High-Conſtables ſhall give their Attendance: And the want of Adjournment or not coming of the Judges, ſhall not diſcontinue any Suit there commenced, or hinder the Judges from meeting at any other Time.

SECT. V.

That any Perſon having Judgment for Debt or Damages in any County Judicature, ſhall, upon Requeſt to the chief Clerk, have a Certificate under the Seal of the Court, to the Court of Common-Pleas, mentioning what Sum is truly due to the Party; which the chief Clerk of the Court of Common-Pleas (hereafter appointed) ſhall enter upon Record, and thereupon award Execution of Courſe into any County of *England*, until the Sum certified be levied, as if it were a Judgment in the ſame Court; which Certificate ſhall be thus;

Theſe are to certify unto the Judges of the Court of Common-Pleas, that A. B. *hath recovered in the Court of this Judicature againſt* C. D. *of* F. *Yeoman, the Sum of* . . . . . *which remains unpaid (or whereof* . . . . . *remains unpaid.) Given under the Seal of the Judicature of the Day of* . . . . . .

And after ſuch Certificate made, there ſhall be no further Execution in the ſaid County Judicature: And if Execution cannot be done in criminal Cauſes upon Judgments in County Judicatures within the ſaid County, the ſame are to be certified into the Court of Upper-Bench, and Execution to be awarded thence, as upon Judgments in the ſame Court.

SECT. VI.

That four Times in the Year ſhall be appointed by three or more of the ſaid Judges (whereof a Judge of one of the ſaid Courts at *Weſtminſter* to be one) for holding the ſaid General Seſſion; at which Time a Judge of one of the ſaid Courts at *Weſtminſter* ſhall be preſent, who ſhall be thereto appointed by the Com-

Commiſſioners of the Great Seal of *England* for the Time being, taking three out of each Court at *Weſtminſter*, who ſhall be diſtributed according to the ſix Circuits now in *England*, as by the ſaid Commiſſioners of the Great Seal ſhall be appointed, and ſhall not depart until the Buſineſs of the ſaid General Seſſions be determined; and thoſe which ride one Circuit ſhall be ſpared the next, and attend the Buſineſs of the ſaid Court at *Weſtminſter*, unleſs it be by his own Conſent, and by Order from the Commiſſioners of the Great Seal.

SECT. VII.

That the chief Prothonotary for the Court of Common-Pleas, and the Clerk of the Peace in every reſpective County of *England*, for the Time being for every County Judicature, ſhall be Chief-Clerk of the ſaid reſpective Courts, and ſhall continue in the ſaid Places until others be elected, in ſuch Sort as the Parliament ſhall direct; which Chief-Clerks ſhall have ſuch and ſo many able Clerks under them, as the Judge or Judges of ſuch Courts ſhall think fit and neceſſary, for making out and ſealing all the Proceſſes of the ſaid Court, entering the Rules, keeping Records, and entering Judgments; all which Proceſſes ſhall be with true Dates, and a ſhort Entry thereof made in a Book, to be kept by the ſaid Chief-Clerks for that Purpoſe: And out of the Fees payable to the Chief-Clerk, the ſaid Judges (three or more of them) in their reſpective Courts, ſhall appoint how much the Under-Clerks ſhall have for their Pains: And the ſaid Court of Common-Pleas ſhall be open all Times in the Year for awarding and returning Proceſſes; and the ſaid Chief-Clerk and Under-Clerks ſhall take an Oath in Court to deal faithfully and uncorruptly in their Places: And upon the Death or Removal of the Chief-Clerk, the firſt Under-Clerk ſhall ſucceed, unleſs the Court aſſign juſt Cauſe to diſable him; and in ſuch Caſe the next able Clerk in order ſhall be Chief-Clerk: And the Records of the ſeveral Counties in *England*, now in the Hands of the Keepers of ſuch Records, ſhall be removed and kept by ſuch Perſon as ſhall be appointed by the Court of the County Judicature in the reſpective Counties (except the City of *London* and County of *Middleſex*;) and the Office of Keeper of the ſaid Records in the ſaid reſpective Counties ſhall hereafter ceaſe.

SECT. VIII.

That the Judges of the Court of Common-Pleas, or any three or more of them for the County of *Middleſex*, and the Judges of the reſpective Courts of County Judicatures, within their reſpective Juriſdictions, or any three or more of them (whereof one to be a Judge or Counſellor at Law) ſhall hear and determine all Controverſies concerning Marriages, and all Things depending upon the ſame, and concerning Maintenance demanded by a married Woman (called *Alimony*) in a ſummary way by Petition, which ſhall be filed with the Chief-Clerk: And all Queſtions whether a Marriage be good or not, or whether *Alimony* ought to be granted, or how much or any Matter of Fact in order to the determining the ſaid Queſtions, ſhall be tried by a Jury upon ſuch Iſſue as the Court ſhall direct; but the Allowance of *Alimony* ſhall not exceed a fifth Part of the Husband's Eſtate: And if any Woman ſhall complain for *Alimony*, and it ſhall be found by

by a Jury that ſhe hath no ſuch Cauſe of Complaint, if ſhe ſhall not thereupon ſubmit herſelf to her Husband, and deſire his Pardon, and cohabit with him, ſhe ſhall be ſent to the Work-houſe, to be kept at Work until ſhe conform.

SECT. IX.

That where a Guardian is not appointed by the Parent of a Child, within the Age of Twenty-one Years, to whom he leaveth an Eſtate, the ſaid Judges, three or more of them as aforeſaid, within the ſaid reſpective Juriſdictions, ſhall and may appoint a Guardian, and change him as there ſhall be Cauſe; and ſhall take Order for the pious and virtuous Education of every ſuch Child, and endeavour to prevent their Marriages without their Guardian's Conſent, or to their Diſparagement, before they attain their ſaid Age of Twenty-one Years, and to preſerve their Eſtates from Spoil and Deſtruction; and ſhall have Power to call ſuch Guardians to Accompt, and give them reaſonable Allowance for their Pains and Charges, and enforce them to make ſpeedy Satisfaction to every ſuch Child of what is juſtly due from them, and may puniſh ſuch Guardians, or others, by Impriſonment and Fine, to the Uſe of the County Stock, if they contrive or abet the Marriage of any ſuch Child without Conſent of the ſaid Judges: And they ſhall have the like Power touching Lunatics and Ideots, as of Children under the Age of Twenty-one Years; and to hear and determine all Matters of charitable Uſes, as fully as Commiſſioners under the Great Seal, upon the Statute for charitable Uſes.

SECT. X.

That the Court of the Lord Mayor and Aldermen of the City of *London*, within the Liberties thereof, ſhall have like Power touching charitable Uſes, Marriages, Alimony, Proviſion for Children within Age, Lunatics and Ideots, as the ſaid Judges of the Court of Common-Pleas within the County of *Middleſex*, not altering the Cuſtom concerning the Orphans of Freemen of the ſaid City.

SECT. XI.

That the Chief-Clerk in each reſpective Court ſhall provide and keep a Seal for ſuch Court, having the Arms of the Commonwealth of *England* engraven thereupon, and encircled with the Name of the Court to which it belongeth, under which all the Proceſs thereof ſhall iſſue.

SECT. XII.

That the firſt Proceſs in all Common-Pleas between Party and Party, and in Informations upon Penal Statutes, ſhall be a Writ of Summons, which ſhall be directed to the Party ſummoned; and in all perſonal Actions, ſhall be thus:

The Keepers of the Liberties of England *by Authority of Parliament, to* A. B. *of* C. *in the County of* D. *Theſe are to command you to pay unto* E. F. *of* G. *which he claimeth to be due from you to him, or at the firſt Sitting of the Juſties*

Juſtices in the Court of . next after fifteen Days from your Notice hereof, you are to appear either in Perſon or by Attorney, and anſwer to his Complaint hereunto annexed. Given under the Seal of the Court of the Day of in the Year

And the Name of the Clerk that made it, and the true Party that ſued it forth, or his Attorney, ſhall be underwritten. And in real and mixed Actions, the Summons ſhall be to require him, *To render the Thing in Demand, and to pay Damages where Damages are to be recovered, or to appear and ſhew Cauſe at the Court*, as aforeſaid.

SECT. XIII.

That the Length of Declarations ſhall be forborne, and nothing immaterial inſerted, but briefly the Subſtance of the Complaint, according to the Forms ſet down at the End of this Act, which ſhall be Precedents for Brevity and ſufficient Certainty in all Caſes; and no Evidence ſhall be admitted in any Caſe whatſoever to vary from the Time laid in the Declaration above thirty Days.

SECT. XIV.

That the Plaintiff in any Summons may inſert the Names of all the Defendants to his Action; but no Blanks is to be left in this or any other Writ.

SECT. XV.

That the Plaintiff, or ſuch as he ſhall appoint, may ſerve the ſaid Writ of Summons, by leaving a Copy of the Writ, and of his Declaration, ſigned with his own Hand, or his Attorney's, with every Defendant, or at his laſt Habitation, and ſhewing the Writ itſelf (if it be required;) and the Party ſerving it, ſhall fix the Writ and Declaration under the Attorney's Hand together, and endorſe upon the ſaid Writ the Time and Manner of ſerving it, and make Oath thereof in Court, or before any Judge of the Court, or Juſtice of Peace, which Judge or Juſtice ſhall ſubſcribe his Name; and then the Writ with the Declaration ſhall be returned to the Chief-Clerk of that Court, and ſhall be by him filed.

SECT. XVI.

That if the Defendant appear in Perſon, or by Attorney, upon the Return of the Writ of Summons, and the Declaration be not filed as aforeſaid, he ſhall have his full Coſts, to be forthwith taxed by the Chief-Clerk: But if it be ſerved, and Summons returned and filed as aforeſaid, and the Defendant doth not appear at the Time limited, then ſhall iſſue to the Sheriff of that County (where the firſt Summons was ſerved) a ſecond Proceſs to attach the Defendants, or any of them, by Body, Lands and Goods, to enforce an Appearance at a certain Day to be appointed by the Plaintiff, who may alſo renew the ſame as oft as he ſhall ſee Cauſe; and all Proceſs returnable at a Day certain, ſhall be expreſſed by the certain Day of the Month.

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SECT. XVII.

That upon a Suit commenced in the Court of Common-Pleas, if the Sheriff ſhall return that the Defendant is not to be found, nor hath any Goods or Chattels, Lands or Tenements, then a like Proceſs ſhall be awarded generally to all the Sheriffs of *England*, and ſuch other Perſons as the Plaintiff will name, until he can be attached by Body, Lands or Goods, to bring him in to anſwer.

SECT. XVIII.

That if the Party to be attached, or his lawful Attorney, doth offer an Appearance before the Return of the Writ, and expreſs the ſame under his Hand on the Back of the Writ, the Sheriff ſhall make Return thereof, and the Attachment ſhall be diſcharged; unleſs the Plaintiff will come before the Sheriff and make Oath, That his Demand from the Defendant is really due, and that he believeth the Defendant will make away his Goods: In which Caſe, the Sheriff ſhall take Security from the Plaintiff to anſwer the Defendant Coſts and Damages, if his Demands ſhall not appear to be really due; and thereupon, if the Defendant ſhall not give good Security to the Sheriff to pay the Condemnation, or to anſwer the Value of the Goods attached, if Judgment paſs againſt him; then the Sheriff ſhall inventory, appraiſe, and ſecure the ſaid Goods for the Plaintiff's Satisfaction, if he recover.

SECT. XIX.

That the Iſſues to be returned, forfeited by a Defendant, upon an Attachment, by his Lands or Goods, for Default of Appearance, ſhall not exceed forty Shillings; whereof one half ſhall be to the Plaintiff, the other to the Commonwealth.

SECT. XX.

That the Sheriff making Return upon the Attachment, That he hath attached the Defendant by Body, Lands or Goods, or returning an Offer of Appearance on the Back of the Writ, under the Hand of the Defendant, or of his Attorney; if he ſhall not appear in Perſon, or by Attorney, on the Day ſo limited, the Court ſhall award a Recovery for the Plaintiff, as upon Default, after Appearance in any perſonal Action, and thereupon a Writ of Enquiry of Damages ſhall iſſue; and all Writs of Enquiry of Damages, except in *London* and *Middleſex*, ſhall be executed by the Sheriff in the County Judicature; and where the Defendant appears by an Attorney, Notice ſhall be given to the Attorney, ten Days at leaſt before the Writ of Enquiry be executed, of the Execution thereof; and where there is no Attorney, the Sheriff ſhall cauſe the Time of Execution of every Writ of Enquiry to be affixed to ſome public Place of the County Judicature, ten Days at leaſt before Execution thereof: And if the Plaintiff or Sheriff be in Default for not executing the ſame, at the Time ſo appointed, the adverſe

Party ſhall have his full Coſts for Attendance from the Party in Default, to be forthwith taxed by the Chief-Clerk of the ſaid Court, whence the Writ iſſued; and the Sheriff ſhall take and return the Inquiſition to the Court to be filed by the Chief-Clerk, who ſhall thereupon immediately award Execution, without any Stay made by the Court in any Caſe, or for any Time whatſoever.

SECT. XXI.

That where any Party demurreth, he ſhall (at once) ſet down all the Cauſes of his Demurrer certainly and particularly; and where there is a joining in Demurrer, the Court ſhall give Judgment only upon ſuch particular Cauſes, and no other.

SECT. XXII.

That after a Demurrer, the adverſe Party ſhall have Time, not exceeding four Days, to amend the Defect, paying Ten Shillings for Coſts, and ſuch Amendment to be final to him.

SECT. XXIII.

That no Demurrer ſhall be made for Want of giving Colour in pleading, which Colour is hereby utterly taken away, nor for Want of a new Aſſignment in an Action of Treſpaſs, but the Plaintiff ſhall ſpecify the Place in his Declaration; and the common Bar, as to the enforcing of a new Aſſignment in pleading, is hereby alſo utterly taken away.

SECT. XXIV.

That the Time for a Defendant to plead or demur, ſhall not exceed two Days after the Time aſſigned for his Appearance; which Appearance ſhall be either by the Defendant himſelf, or his Attorney, repairing to the Chief-Clerk of the Court, and writing his Name under the Declaration, and the Day thereof; if he will plead the general Iſſue, he ſhall write or cauſe to be written under the Declaration, *That the Plaintiff hath no ſuch Cauſe of Complaint, as in the Declaration is alledged*; which Words are hereby declared to be the general Iſſue in all Actions; and for want of ſuch Plea or Demurrer within the Times, the Chief-Clerk ſhall award Judgment, and a Writ of Enquiry of Damages.

SECT. XXV.

That where there ſhall be any ſpecial Pleadings, the Copies ſhall be given to the adverſe Party without Fee, and the Pleadings filed with the Chief-Clerk; and where a Defendant pleads the General Iſſue, he ſhall alſo ſet down the Subſtance of what Things he will inſiſt upon for his Defence, in Evidence at the Tryal, not exceeding two Things at the moſt, which he is hereby enabled to give in Evidence, and alſo put the Plaintiff to the Proof of his Declaration; but this

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law is not to reſtrain or prejudice any Perſons who might have pleaded the general Iſſue, before that Act of the late Parliament, entituled, *An Act touching Corn and Meal.*

SECT. XXVI.

That in all Caſes where a Plaintiff be the Executor, Adminiſtrator or other, doth not proſecute, diſcontinues his Suit, or becomes non-ſuited, or that Judgment paſs againſt him, he ſhall pay full Coſts; and where he recovers, he ſhall have full Coſts, except the Jury find full Satisfaction, with Coſt of Suit rendered by the Defendant before his Plea; for in ſuch Caſe the Plaintiff refuſing ſuch Tender, or proceeding after it, ſhall both loſe his own Coſts and pay full Coſts to the Defendant, but ſuch Tender ſhall be no Bar to the Action; and if a Plaintiff put ſeveral diſtinct Things into a Declaration, and doth not prove all of them, as he ſhall have Coſts for what appears material, ſo he ſhall pay Coſts for what ſhall be adjudged cauſleſs; and ſhall not be neceſſitated to put the Words of *Force* and *Arms* into his Declaration, upon an Action of Treſpaſs, but where ſome Weapon is uſed; and if he do complain of ſeveral Perſons, and fail in his Proof againſt any, he ſhall pay Coſts to ſuch Defendants as are acquitted, the Jury to aſſeſs the Coſts in all Caſes tryed, and the Chief-Clerk in other Caſes; and that in all Caſes where the Plaintiff is non ſuited or diſcontinues his Suit, or Judgment goeth againſt him, there ſhall be a Fine of Ten Shillings paid by him to the Chief-Clerk, to the Uſe of the Commonwealth; and where Judgment is given againſt a Defendant he ſhall pay like Fine: And in caſe either Party be poor and cannot pay Coſts or Fine, ſuch Party ſhall be whipt, or go to the Workhouſe (hereafter in this Act appointed) or both, at the Diſcretion of the Court, and for ſuch Time as they ſhall direct: And in all Caſes and Courts where Coſts are to be taxed, it is to be underſtood as well the Parties neceſſary Charge for his own Attendance and Witneſſes, as the ordinary Coſts of Suit: And if a Plaintiff (who is not admitted to ſue as a poor Man) be adjudged to pay Coſts in any Action, the ſame ſhall be paid by the Attorney in the Suit, if ſuch Plaintiff be not to be found within this Commonwealth: And that whereſoever a Fine certain is payable to the Commonwealth, or Coſts payable to any Party in any Court of Law or Equity, it ſhall not be in the power of the Court to remit or abate the ſame, or to delay the Payment or levying thereof; and the Perſons to whom they are due may levy the ſame by Execution, as upon other Executions within this Act.

SECT. XXVII.

That where there is Proſecution in civil Cauſes in the Behalf of the Commonwealth; thoſe who proſecute, if they recover, ſhall have Coſts; if not, they ſhall pay Coſts; and the Party proſecuted before Plea pleaded may tender Satisfaction, and have like Benefit, as upon a Tender at the Suit of a common Perſon: And that upon the general Iſſue pleaded in any Caſe, the Plaintiff ſhall within two Days join Iſſue thereupon, or ſhall be non-ſuited; and if he plead ſpecially, the Plaintiff ſhall reply within fifteen Days, and the Defendant rejoin within eight Days after Replication.

SECT. XXVIII.

That after Iſſue joined, at the Requeſt either of Plaintiff or Defendant, the ſame ſhall be tryed that Day Seven-night in the Place, where the ſame is tryable, if the Juſtices ſhall be then and there ſitting; otherwiſe, at their next Sitting in ſuch Place, after thoſe ſeven Days: Except in Caſes appointed for Trials at the Bar at *Weſtminſter*, which are to be tryed upon a Day certain to be appointed by the Court, and the Jurors are then to appear upon the firſt Summons.

SECT. XXIX.

That the Judges, without Conſent of both Parties, ſhall in no Caſe defer Trials above the Space of fifteen Days, longer than the Time hereby formerly limited for Trial, and that only for ſome juſt Cauſe made to appear to the Court upon Oath; and upon Payment of ſuch Coſts to the adverſe Party, as he ſhall make Oath he is, or ſhall be put to by Reaſon of ſuch Delay, before any longer Time be granted.

SECT. XXX.

That for the better Tryal of Cauſes by Jurors (who are the Judges of Fact) the Juſtices of Peace at the General Seſſions, to be holden next after the 30th of *December* yearly, ſhall cauſe to be written in a Book the Names of all ſuch Perſons, Inhabitants within the ſaid County, as ſhall be of honeſt Lives and Converſations, of good Underſtanding, able to read, being above the Age of Twenty-five Years, and under the Age of Sixty, and worth One Thouſand Marks of clear Eſtate, (other than Judges, practiſing Lawyers and Attorneys, preaching Miniſters, and deaf and impotent Perſons) and ſhall deliver the ſame to the Sheriff of the ſaid County, who ſhall return or impannel no other to ſerve upon any Grand or Petty-Jury (except Foreigners in the Trial of a Stranger, or Women for Enquiry whether a Woman be with Child, as by Law is now uſed:) And the Juſtices of Peace in every City and Town corporate, ſhall do the like in order to Trials in ſuch Places; and the Eſtate of Jurors there ſhall be Three Hundred Pounds at leaſt.

SECT. XXXI.

That the Way now uſed of ſummoning and returning of Grand and Petty-Jurors, to ſerve at Aſſize, Seſſions, and upon Tryals, (other than at the Bar at *Weſtminſter*) ſhall be henceforth forborne and no more uſed; and inſtead thereof, out of the ſaid Jury-Book, the Sheriff ſhall return ſuch Number of Jurors, and at ſuch Time and Place, as any Court of Goal Delivery, County Judicature, Seſſion, or Judge for hearing, determining or Trial of Cauſes ſhall require, in one Piece of Parchment: And that no Liſt or Notice of Names of any Jurors returned, or to be returned by the Sheriff, ſhall be given by him or his Officers

to

to any Perſon whatſoever, before the Day of Appearance, ſave only each Juror's Name, to the Juror himſelf ſo returned, who ſhall have one Warning and no more, four Days at leaſt before any Trial, (except in Trials at the Bar at *Weſtminſter*, where they ſhall have ten Days Notice, if they live within One Hundred Miles of *Weſtminſter*, and twenty Days Notice, if above One Hundred Miles;) and every Juror returned making Default, or not attending to ſerve when he is called, ſhall forfeit Five Pounds for every ſuch Default to the County Stock, other than upon Trials at the Bar at *Weſtminſter*, and there to forfeit Ten Pounds for every Default; and the Court upon Oath are to judge of Defaults.

SECT. XXXII.

That the Names of Jurors returned (other than upon Trials at the Bar at *Weſtminſter*) ſhall (by the Chief-Clerk or Regiſter) be written over in ſeveral Pieces of Paper, and at the Court's Appointment be put ſeverally into a Box; and where there is a Grand Jury, fifteen Names; and for all other Juries, twelve Names, ſhall be drawn out of the ſaid Box by way of Lot, and not by Choice, to ſerve on ſuch Juries, (ſaving all lawful Challenges to the Perſons, but no Challenge to be hereafter allowed for Want of Hundreders) and ſuch Jurors ſhall ſit covered in ſome convenient Place of the Court, to hear their Evidence or Charge; and the Names of the Petty-Jurors, after their Verdict given, ſhall be put again into the Box; but no Juror ſhall be twice returned, until all in the Jury-Book have ſerved once, or be dead, or live out of the County, or have paid the Penalty upon Defaults.

SECT. XXXIII.

That no Juror ſhall take any Thing from any Party in any Tryal, except they be brought out of their own Counties, or appointed by the Court to take a View; and then alſo they ſhall have no Allowance, but by ſpecial Order of the Court.

SECT. XXXIV.

That after general Verdicts in perſonal and mixed Actions, where no Bill of Exception is rendered, there ſhall be no Arreſt of Judgment, nor any Writ of Error after Judgment.

SECT. XXXV.

That in ſpecial Verdicts the material Points in Queſtion, and thoſe only ſhall be particularly expreſſed before the Judges and Jury in Court, and the Caſe ſhortly drawn up on both Sides, without mentioning any thing immaterial; and if any Difference ariſe thereupon, it ſhall be ſtated by the Judge or Judges that hear the Trial; and upon all ſo ſtated and entered in the Form of a Caſe, and upon no other Matter, the Court in which the Cauſe depends, ſhall give

their Judgment, which is to be done in these Cases and upon Demurrers, within one Fortnight at the utmost; and in case the Term ends within that Fortnight, the Judges shall proceed notwithstanding after the Term, to determine the same within that Time, which shall be accounted Term-time for that Purpose.

SECT. XXXVI.

That no Argument by Council shall be admitted upon special Verdicts or Demurrers, touching the Exposition of any Act of Parliament.

SECT. XXXVII.

That upon Issue joined in an Action of Debt upon a Specialty (or upon a Writ of Enquiry) the Jurors shall not be bound to find the full Debt contained in the Specialty, but shall find the true Debt and true Damages, according to the Rate of Loan of Money permitted by Statute, and no more; and the Jurors shall in such Cases give double Damages for the true Debt, from the Time of the Action brought, and full Costs of Suit, and it shall not be Error, if Jurors (in regard of the Plaintiff's Damage between the Time of commencing the Suit and Trial) give more Damage (if they find Cause) than is laid in the Declaration: And if two or more Persons be bound as Sureties for another, and any of such Sureties shall be enforced thereupon to pay the whole Debt, or more than their due Proportion, he or they may by Action upon the Case, sue and recover against the other Surety or Sureties, his or their valuable Proportion, with Costs and Damages, so that no one Surety may be damnified more than another, who is able to contribute: And all Suits to be commenced in Equity for Relief against Penalties of Bonds entered into before the Day of or upon Pretence of Payment of Part of the Money, or for Contribution in case of Joint-suretiship; and the entering into all penal Bonds from and after the said Day, are to be forborn and no more used: And the Plaintiff in any civil Action may require the Oath of the Defendant, or the Defendant the Oath of the Plaintiff, for the Manifestation of the Truth of the Matter in Question; who are hereby enjoined to answer to such Questions thereabouts before the Jury, as the Judge before whom the Cause is depending, or to be tried, shall appoint; and if they be contemptuous, the Judge may in such case stay the Plaintiff's Suit, or imprison the Defendants till they give Obedience.

SECT. XXXVIII.

That if any Cause commenced in the Courts at *Westminster*, be tryable in any County (other than *London* and *Middlesex*) the Chief Clerk of the Court at *Westminster* shall deliver all the Copies of Issues joined for that County, to the Judge appointed for that General Sessions of the County Judicature, who shall cause the same to be there tried, and then without Delay return the same to the said Chief-Clerk from whom he received them, that Judgment and Execution may thereupon proceed.

SECT. XXXIX.

That the Officer to whom the Entry of Judgment belongs, ſhall (when he enters any Judgment upon the Roll) ſet down the true Date of ſuch Entry in the ſame Roll in Words at length; and if there be a Miſ-entry of ſuch Judgment, the Chief-Clerk ſhall pay the Damage which is incurred by the Miſ-entry thereof; and the Party wilfully miſ-dating the Entry of any ſuch Judgment (whereby any Perſon is damnified) ſhall ſuffer corporal Puniſhment by Whipping, which is to be done publickly at the next ſitting of the Court after Conviction, and to be hereafter incapable of any Office in Truſt whatſoever.

SECT. XL.

That no Man ſhall be liable to any Action for any Debt contracted by his Wife during their Inter-marriage, or by his Child or Servant, without his ſpecial Direction or expreſs Conſent.

SECT. XLI.

That in Actions of Accompt, if the Jury find the Defendant accomptable, the Judge before whom the Cauſe is tried, ſhall preſently give Judgment to Accompt, and then (ſitting the Court) the Jury ſhall aſſign five of themſelves to be Auditors, to take the Accompt; and they or any three of them, may chuſe an able Accomptant, and ſwear him to deal faithfully in that Accompt, and ſhall and may examine Parties and Witneſſes, ſend for Books and Papers, and commit refractory Perſons to Priſon till they conform: And any three or more of them ſhall certify under their Hands and Seals, the Foot of ſuch Accompt, and make Oath in Court or before ſome Juſtice of Peace, that they believe the ſame to be true; upon which the Court ſhall give Judgment forthwith in the Cauſe: And the Cauſe to whom the Accompt ſhall be returned, ſhall have Power to allow ſuch reaſonable Charges as they ſhall think fit, both to thoſe that certify the Accompt, and the Accomptant employed therein; which Charges ſhall be paid by the Party adjudged to be in Default.

SECT. XLII.

That where upon any Truſt any Man is accomptable, there may be an Action of Accompt brought at Common-Law; and where any Action of Accompt lies in any Caſe at Common-Law, it ſhall be tried at Common-Law, and not elſewhere.

SECT.

SECT. XLIII.

That an Action of Accompt ſhall lie againſt an Executor, and the Executor of an Executor and Adminiſtrator; and where an Executor dying Inteſtate, or an Adminiſtrator hath a Judgment for Debt or Damage, and dieth before Execution, the Perſon (to whom the Debt or Damage ſo recovered ſhall belong) may ſue forth Execution upon the Judgment: And that the Death of Plaintiff or Defendant, after a Verdict or Demurrer joined, ſhall not abate the Suit.

SECT. XLIV.

That one and the ſame kind of Execution ſhall be had for Creditors againſt Debtors, upon Judgments, Recognizances, and all Statutes, (that is to ſay) the whole Chattels, Debts, Lands and Tenements, Reverſions and Remainders, and all Goods (except neceſſary wearing Apparel) as well ſuch as he hath, or as any other hath in Truſt for ſuch Debtor, and Poſſeſſion ſhall be delivered upon the firſt Writ of Extent; and if thoſe will not ſuffice, the Creditor may take the Body of the Debtor in Execution, and require him to work in the Work-houſe, (hereafter in this Act appointed) half the Profit of which Work ſhall be for the Benefit of the Creditor; but if ſuch Debtor be not able to work, the Creditor ſhall allow ſuch Debtor Six-pence a Day, during the Time he holdeth his Perſon in Priſon; and Priſoners in Execution for Debt or Damages, are not to be ſuffered by the Goaler to beg: And the Court, or ſuch as they ſhall appoint, ſhall judge of the Ability or Diſability of ſuch Perſon to work, and alſo direct the Manner thereof: And that notwithſtanding the Reſtraint of any Perſon upon Execution, it ſhall be in the Power of the Creditor to permit him to go abroad, for what Time and in what Manner he ſhall think fit; and that there ſhall be no Fee paid to the Keeper during ſuch Liberty, nor he to be reſponſable for him during that Time; nor ſhall the ſame be any Diſcharge of the Debt or Suit, whereupon ſuch Perſon was taken in Execution, and the Creditor may arreſt him again, and remand him to the Work-houſe: But where any Debtor's Body ſhall be kept in Execution in the Work-houſe by the Space of one Year, (not being committed for any Contempt) if the Judges of the Court (whence Execution iſſued) ſhall (upon Examination) find him miſerably poor, and unable to ſatisfy the Execution, they may give him Liberty of his Perſon, and cauſe him to be reſtrained in Execution again in the Work-houſe, as they ſhall find juſt, but his Eſtate ſhall be ever liable till all Judgments be ſatisfied.

SECT. XLV.

That in or near adjoining to every common Goal, there ſhall be a Work-houſe erected; and to that End, the Grand Jury of every County, at the ſecond General Seſſion after the paſſing this Act, ſhall preſent ſix honeſt, able, and underſtanding Perſons of the ſame County, out of which the Juſtices ſhall choſe three, to continue for a whole Year, (and longer till new be elected) and to be Governors of the Work-houſe in that County: And the Clerk of the Peace ſhall give Notice

Notice to thoſe Perſons elected, to meet at Ten of the Clock at a certain Day within a Fortnight after their Election: And the firſt Meeting ſhall be in the Place where the Seſſion was held, and from thence to be adjourned as the Governors think meet; and for every Default of Appearance, each Perſon elected ſhall forfeit twenty Pounds, to be paid for the Work-houſe Stock to the Treaſurer of the County; and thoſe three ſhall lay a Tax on the County ſufficient to erect or provide a Work-houſe and Stock for it; and thoſe three, and all ſucceeding Governors, may ſet down Orders in writing for the Government of the Work-houſe; but ſuch Tax and Orders ſhall be conſidered, and if need be, amended by the Juſtices at the Seſſions from Time to Time, and be there confirmed; and the ſaid Tax to be levied by the Sheriff and High-Conſtables, by Diſtreſs and Sale of Goods, as Money for the Relief of the Poor, and ſhall be paid to the Treaſurer of the County, and ſhall not be diſpoſed of, but by Warrant from the Governors, or two of them: And for any Abuſe of the Governors or Officers, they may be proceeded againſt by Indictment, to be heard and determined in open Seſſions, and may be fined according to Juſtice, which Fines are to go to the Work-houſe Stock: And if any committed to the Work-houſe do eſcape, he ſhall be ſent to the Houſe of Correction, and there whipt, and then ſent back to the Work-houſe, there to remain at hard Labour, till he be diſcharged by due Courſe of Law; and all conſenting or aiding to ſuch Eſcape, are to be ſent to the Houſe of Correction, and to be whipt; and the Goaler for the Time being, ſhall have the Government of the Work-houſe under the Governors, and ſhall be reſponſable for the Perſons therein, as Part of the Goal or Priſon.

SECT. XLVI.

That any Debtor lying in Execution for Debt or Damages, by the Space of one Month or more, if the Creditor ſhall cauſe a Bonnet of Yellow Cloth to be ſent to ſuch Debtor, and require the ſame to be worn by ſuch Debtor; that then the Debtor ſhall from thenceforth, during the Time he is to continue in Execution, wear the ſame for the uppermoſt Covering of his Head; and if the ſaid Debtor ſhall be ſeen walking abroad without Leave of the Creditor with any thing on his Head, without the ſaid Bonnet uppermoſt, and ſhall be thereof convicted, he ſhall have a Collar of Iron rivetted about his Neck, in ſuch ſort as may be viſible, and not to be taken off during his Impriſonment.

SECT. XLVII.

That any Party having Judgment to recover Debt, Damages, or Coſts, may extend all the Lands and Tenements of the Debtor, or may, if he pleaſe, elect to have ſuch Part of the Lands and Tenements as ſhall be worth the ſame; and the Sheriff ſhall thereupon by Deed ſell the ſaid Lands and Tenements to the Creditor, and deliver him Poſſeſſion, to hold to him and his Heirs for ever, or for ſuch Eſtate as the Debtor had in the ſame; yet if the Debtor, his Heirs, Executors, or Adminiſtrators, ſhall, at the End of one Year then next enſuing, pay the Execution-Money, and double Damages for the ſame, from the Time of Execution awarded until Payment, and ſuch Coſts of Suit as the Jury valuing the

ſaid Lands and Tenements ſhall then ſet down, at ſuch Place as the Debt was formerly agreed to be paid, and if no ſuch Place was formerly agreed, then at ſuch Place as the ſaid Jury ſhall appoint, the ſaid Execution to be utterly void; and the Creditor upon ſuch Payment, ſhall make Oath, before a Juſtice of Peace of the ſame County, what clear Profits he hath made of ſuch Lands and Tenements during the ſaid Year's Poſſeſſion, and ſhall deliver the ſame clear Profits to the Debtor; which Oath (as to the ſaid Profits) ſhall be concluſive both in Law and Equity: But in caſe the Lands or Tenements, or any of them ſo ſet out, be not redeemed within one Year by ſuch Payment as aforeſaid, and ſhall appear to be incumbered or defective in Title, or any Part of Lands extended ſhall be incumbered or evicted before Execution ſatisfied; the Creditor, upon Complaint to the Court, where the firſt Execution was returned, may warn the Debtor, his Heirs and Aſſigns, to anſwer why a new Execution ſhould not iſſue to ſatisfy ſo much as is due to him; and for want of a ſufficient Cauſe ſhewed, the Court ſhall award ſuch new Execution.

SECT. XLVIII.

That where an Action is brought againſt an Infant, the Court ſhall not ſtay upon any Plea of Minority of that Infant; and Lands and Tenements ſubject to Execution, ſhall be liable thereunto in the Hands of an Infant, Lunatick, or Ideot, during Minority, Lunacy, or Ideocy, but their Perſons not to be impriſoned; and if the Creditor, upon ſuch Execution, require to have Part of the Lands ſold for Satisfaction of ſuch Execution, the Jury ſhall then value ſuch Lands according to their true and clear yearly Value, and ſet out ſo much as ſhall be ſufficient for the Satisfaction of the Creditor's Execution: But the Guardian or Friend of ſuch Infant, Lunatic, or Ideot, ſhall have Liberty to redeem the Lands in ſuch Caſe before the Infant comes of Age, or during the ſaid Lunacy or Ideocy, to the Uſe of ſuch Infant, Lunatic, or Ideot, paying the principal Money and ſingle Damages: And if the Lands be not ſo redeemed, the Infant, within one Year after he is of full Age, and the Lunatic or Ideot after he becomes of ſound Mind, or any of their Heirs, within one Year after their Death (the Plaintiff diſcounting the full clear Profits he hath received in the mean Time) may redeem the Lands; and that neither in this Caſe, nor in the former Caſe of Execution, there ſhall be any Waſte made during the Time allotted by this Act for the Redemption of the ſaid Lands.

SECT. XLIX.

That in caſe one recover againſt the Huſband for the Debt of the Wife, her Lands liable to the Judgment ſhall be ſold, as in other Caſes, if the Creditor require the ſame; but after the Death of the Huſband, the Wife ſhall have one Year's Time to redeem; and in caſe ſhe die, then the Heir ſhall have one Year's Time, except it appear that ſuch Wife gave her Conſent to the Sale of thoſe Lands in her Huſband's Life-time.

SECT. L.

That in Caſe any Plaintiff will put in good Security before the Chief-Clerk of the Court whence the Summons iſſued, or before the Juſtice of Peace, before whom Oath ſhall be made of the Service of ſuch Summons, that he will proſecute his Suit with Effect, and pay the Defendant Coſts and Damages if his Suit be vexatious (which Security is to be approved of by ſuch Chief-Clerk or Juſtice of the Peace, and taken in the Defendant's Name;) and ſhall alſo enter the ſaid Summons with the Regiſter of the County where the Defendant's Lands (intended to be charged) lie: In ſuch Caſe, if the Plaintiff ſhall obtain Judgment in the ſaid Suit, the Lands and Tenements of ſuch Defendant, as well ſuch as he hath or had, or any other hath or had in Truſt for him, at the Time of the Service and Entry of the ſaid Summons within the ſaid County, as after, ſhall be liable to ſuch Execution.

SECT. LI.

That no Execution ſhall be avoided by any Omiſſion of any Part of the Lands liable to Execution, but the Party grieved by ſuch Omiſſion, ſhall call in any other Party liable to Contribution.

SECT. LII.

That where any Perſon oweth any Debt, or hath any Goods or Eſtate belonging to any Perſon, in Truſt or otherwiſe, againſt whom Execution is awarded, or any Goods or Eſtate remaining in his Hands upon any Truſt, by the Delivery of the Perſon in Execution, he ſhall within one Month, after he knows Execution to be ſo awarded againſt the ſaid Debtor, enter ſuch Goods and Eſtate in the Regiſtry Office of *London*, or give perſonal Notice thereof to the Party who hath the Execution: And if he ſhall not do the ſame within the Time aforeſaid, or ſhall wilfully conceal any Part of the Goods or Eſtate belonging to any Debtor in Truſt, or otherwiſe knowing them to be his Goods or Eſtate, and knowing Execution awarded againſt him, ſuch Perſon ſhall forfeit double the Value of ſuch Goods or Eſtate ſo not entered or concealed, towards the Satisfaction of the Creditor's Debt; which Forfeiture (exceeding the Debts) ſhall be to the Uſe of the Commonwealth, after the Creditor is ſatisfied throughout the Debt due to him by the Party, againſt whom the Execution is awarded: And that no Perſon that ſhall owe any Money, or have any Goods or Eſtate, knowing the ſame to belong to, or to be in Truſt for the Perſon againſt whom Execution is awarded as aforeſaid, ſhall pay ſuch Money, nor deliver, or ſuffer ſuch Goods or Eſtate to be delivered unto, or to the Uſe of that Perſon, until the Execution be ſatisfied: And if any Perſon ſhall buy Goods of, or belonging to any other, after Judgment for Debt or Damages, knowing that Execution is awarded thereupon, ſuch Sale ſhall not be good againſt the Creditor, except it were made by a Miniſter of Juſtice in Execution of his Office; but it ſhall not be adjudged wilful Concealment of a Truſt for the Time paſt, if the Party

truſted doth make Oath that he had forgotten the ſame: And if any Money be paid, or Goods delivered to a Perſon, or bought of him, againſt whom Execution is or ſhall be awarded, the Perſon buying, paying, or delivering ſuch Money or Goods, ſhall be diſcharged from any Penalty, upon taking his Oath in Court, or before a Juſtice of Peace, in the Preſence of the Party which hath the Judgment, *That he did not know either directly or indirectly, that ſuch Party was a Priſoner for Debt, or that Execution was awarded againſt him:* And he that ſhall not diſcharge himſelf by taking ſuch Oath, ſhall pay the Value of ſuch Money or Goods delivered over again, towards Satisfaction of the Execution, or of ſo much as will ſatisfy the ſame.

SECT. LIII.

That if the Creditor of a Debtor, againſt whom Execution is awarded, ſhall make Oath in writing in Court, or before any Juſtice of Peace, *That he ſuſpects the ſaid Debtor to conceal any Part of his Eſtate, or any other Perſon to be indebted to ſuch Debtor, or truſted for ſuch Debtor; or to conceal any Debts or Goods belonging to ſuch Debtor*; the Court ſhall thereupon examine, or cauſe to be examined, the ſaid Debtor upon Oath, either in Court, or before ſome Juſtice of Peace touching the ſame; and ſummon ſuch other Perſons ſo ſuſpected, to appear before the Court at ſome ſhort Day, to anſwer touching the ſame: And the Party ſerving the ſaid Summons ſhall with the ſame deliver a Copy of the ſaid Oath; and if the Party ſummoned ſhall not appear upon ſuch Summons, or appearing, ſhall either refuſe to be examined, or to anſwer directly to the Satisfaction of the Court, he ſhall for ſuch Offence be committed to Priſon, there to remain until he conform: But if ſuch Party ſummoned ſhall appear and be examined, he ſhall have ſuch Charges as the Court ſhall direct, unleſs before ſuch Summons he did not diſcover (being thereunto required) what upon his Examination he confeſſeth: And if the Debtor ſhall refuſe to be examined, or ſhall not make poſitive and direct Anſwer upon ſuch Examination; or ſhall after one Month's Impriſonment in Execution, be convicted, that he hath wilfully concealed any Part of his Eſtate, Truſt of Eſtate or Debt due to him, to the Value of Five Pounds, or above, he ſhall for ſuch Offence be publickly whipt, by receiving nine Strokes at the leaſt, and not above fifteen, and ſhall be kept to work 'till he conform.

SECT. LIV.

That where any Debt is delivered upon Execution, the Party to whom the ſame is ſo delivered, may ſue for it in his own Name, without laying any other Certainty in his Declaration, than ſhall appear upon the Sheriff's Return of the Execution; and ſuch Debt ſhall not be accounted as Satisfaction of any Part of the Execution, until it be received; and if his Debt be more than to ſatisfy the Execution, he ſhall receive no more than will ſatisfy the Execution; and if he ſues for it, he ſhall ſue for no more than will ſatisfy the ſaid Execution.

SECT. LV.

That where the Body or Lands of any Perſon ſhall be in Execution for Debt or Damages, at the Time of paſſing this Act, the Creditor ſhall have the ſame and like Benefit againſt his Lands and Tenements, Goods and Chattels, Debts and Truſts, and for Diſcovery of the ſame, as any Perſon ſhould or might have after Judgment and Execution within this Law; and in caſe ſuch Perſon has not Lands or Goods ſufficient to ſatisfy his Debts, then ſuch Parties may be put to the Workhouſe, and wear the Diſtinction of Habit, according to the Direction of this Act.

SECT. LVI.

That the Juſtices of Peace of every County (other than Corporations) ſhall at the General Seſſion to be held next after the Twenty-ninth Day of *September* yearly, chuſe three of the moſt able and fitting Perſons within the County, to be High Sheriff thereof for the Year enſuing; and within thirty Days after ſuch Election, preſent the ſame to the Speaker of the Parliament, (ſitting the Parliament) and in the Interval to the Preſident of the Council of State, whereof one is to be choſen Sheriff; and ſuch Sheriff ſhall have his Patent, and paſs his Account, upon tendering himſelf ready to account, without Delay, or paying any Fee whatſoever: And any Perſon that is to paſs a Sheriff's Account, and ſhall delay the ſame, or receive any Money, Gift, Reward or Promiſe from a Sheriff, or any other on his Behalf, for, or in Reference to, the paſſing any ſuch Account, ſuch Perſon ſhall be diſabled to bear Office of Truſt and Profit in the Commonwealth, and ſhall pay ſuch Sheriff tenfold what ſhall be ſo received: And the ſaid Sheriff ſhall not at any public Meeting, for the Execution of his Office, give any Entertainment by Way of feaſting or other Hoſpitality, to any but of his own Family, except poor People by Way of Alms; nor ſhall give or ſend any Gift or Preſent to any Judge or Juſtice, nor have above eight Perſons in Badge or Livery to attend him; and every Sheriff for every Entertainment, Gift or Preſent made contrary to this Act, ſhall forfeit One Hundred Pounds; and for every Badge or Livery above the Number of Eight, Twenty Pounds; to be paid to the Treaſurer of the County, towards the public Stock of the County; and the Juſtices of the Peace ſhall provide ſufficient Guard for the Service and Security of the Courts of Juſtice within their County, to be paid by the Juſtices out of the Treaſury of the County; and no Fine ſhall be impoſed upon any Sheriff by any Judge for any Offence in his Office, (except for Abuſe or Delay in not returning or executing legal Proceſs) before ſuch Sheriff ſhall be indicted and convicted for ſuch Offence.

SECT. LVII.

That all Perſons ſhall be alike liable to the Proceedings of Juſtice, without any Benefit of Privilege; and in all Counties there ſhall be Execution done, and all Proceſs and Warrants ſerved and executed by the Sheriff, and other Officers

Officers of the County, without Regard of any particular Liberties or Privileges: And the Sheriff or other Officer endeavouring to execute any Proceſs or Warrant, for the apprehending any Perſon, may make freſh Purſuit after and apprehend him, although in any other County; and whoſoever ſhall harbour or entertain any Perſon in his Houſe or Lodging, againſt whom Execution is awarded, knowing the ſame, and ſhall conceal or deny to deliver ſuch Perſon, being demanded of him, ſuch Perſon ſhall pay the whole Debt owing by the Perſon againſt whom the Execution is awarded: And if a Sheriff upon Execution ſhall levy Goods in the Poſſeſſion of the Debtor, belonging to another Perſon (except the Houſes and Goods of Travellers in common Inns) no Action ſhall lie againſt the Sheriff for the ſame; but upon Complaint, and making Proof of the Property of ſuch Goods, before the Court whence the Execution iſſued, upon or before the Return of the Writ of Execution, the ſame ſhall be delivered to the Party whoſe they appear to be: And where any Goods are delivered in Execution, which ſhall be recovered upon a Title preceding the Execution, the Court (upon Oath made of ſuch Recovery) may award a new Execution for the Value of the Goods ſo recovered.

SECT. LVIII.

That the Execution ſhall be returnable at a certain Time, ſuch as ſhall be appointed by the Plaintiff, and mentioned in the Writ; and that the Plaintiff ſhall have Liberty to renew his Execution when he pleaſeth, until Satisfaction.

SECT. LIX.

That if the Sheriff ſhall forbear his Return of the Writ of Execution, after the Time of the Return of it, he ſhall forfeit for every Week after ſuch Default, one tenth Part of the Debt due to the Plaintiff, which tenth Part ſhall be paid to the Plaintiff.

SECT. LX.

That for Neglect or wilful Delay of a Sheriff or Coroner, in not ſerving or returning the Proceſs of Attachment, or in giving Poſſeſſion where Poſſeſſion is to be given, the Sheriff ſhall forfeit ten Pounds, one half to the Party, the other to the Commonwealth; and upon every Default this Fine ſhall be doubled, and ſhall not be in the Power of the Court to remit or abate this Fine; nor ſhall the ſame Bar the Party concerned from his Action againſt ſuch Sheriff or Coroner for his Damages.

SECT. LXI.

That if any Sheriff, Under-Sheriff, Coroner, Bailiff or other Officer, that is to execute any Proceſs of Law or Execution, do directly or indirectly give Notice of any ſuch Proceſs or Execution to the Party againſt whom the Execution is awarded, or any upon his Behalf, before the ſame is actually ſerved; the Party given ſuch Notice ſhall pay the thing in demand, and have his Remedy

over, againſt the Party who ought to have paid the ſame; and if he be not able to pay, he ſhall be committed to the Houſe of Correction, and ſtay there till the Creditor be ſatified.

SECT. LXII.

That if any Goods or Money be levied in Execution, the Sheriff ſhall forthwith deliver the ſame to the Creditor, and if he doth not deliver the ſame upon demand, he ſhall (for every Week he ſhall ſo retain them) forfeit one tenth Part of the Value of the Goods or Money by him levied, which ſhall be paid to the Plaintiff.

SECT. LXIII.

That the Sheriff that doth Execution ſhall not take Poundage for more than what is truly and actually levied, and ſhall not take any thing at all from the Creditor, but ſhall levy his juſt Fees upon the Debtor.

SECT. LXIV.

That any who ſueth forth Proceſs or Writ of Execution, may take the ſame directed to the Sheriff and Coroner, or either of them, by vertue whereof either of them, to whom the ſame is delivered, ſhall execute the ſame; and the ſaid Coroner is hereby enabled and required to do and act all Things in Execution of the ſame, under like Fees and Forfeitures as the Sheriff ought to do, act, receive and forfeit by vertue of this preſent Act.

SECT. XLV.

That the Sheriff, Under-Sheriff and Coroner in the Execution of any Proceſs of Law, may in Perſon break open any Door and enter, in the Day-time, if it be not open upon his demand.

SECT. LXVI.

That Officers and Miniſters of Juſtice may be known and obeyed, every Sheriff, Under-Sheriff and Coroner in the Execution of his Office, ſhall carry a white Staff, every Bailiff a white Wand, every Serjeant at Mace a Mace with the Arms of the Commonwealth on it, and every Conſtable or Perſon ſupplying that Office, ſhall carry a Conſtable's Staff with the Commonwealth's Arms on it, to be provided at the Charge of every reſpective Pariſh; and any Perſon who ſhall knowingly aſſault (with Violence) any ſuch Sheriff, Under-Sheriff, Coroner or other Miniſter or Officer of Juſtice in the Execution of his Office, and ſhall be thereof convict, ſuch Perſon ſhall be committed to the Houſe of Correction, and ſhall be whipt and kept there at Work ſeven Years, or otherwiſe ſhall be fined at the Diſcretion of the Court where he ſhall be convicted,

convicted, and this Fine ſhall not be leſs than one hundred Pounds for every Offence; and the like Puniſhment for any Perſon, who being apprehended or arreſted, ſhall make violent Reſiſtance or Eſcape, or be aſſiſting thereunto; and if in the aforeſaid Aſſault any Weapon be uſed, or Piſtol or other Gun preſented againſt the aforeſaid Officers in the Execution of their Office, beſides the former Puniſhment the Party convict thereof ſhall alſo have his Right-hand cut off; and if Death enſue to ſuch Officer, by reaſon of any Aſſault in the Execution of his Office, the Party thereof convict ſhall ſuffer Death without Pardon, and his Body be hung up in Chains.

SECT. LXVII.

That any Priſoner may be ſued in the Judicature to which the Priſon doth belong, and leaving a Summons and Copy of the Declaration with the Priſoner, ſhall be a ſufficient Service whereon to proceed to Judgment and Execution; and if ſuch Priſoner doth not make Defence within eight Days after ſuch Summons ſerved, and Oath made thereof, then Proceſs of Attachment ſhall iſſue; and where Attachment is awarded againſt a Priſoner, the Keeper of the Priſon ſhall execute and return the ſame, as if it were a Writ directed to him to have the Body of ſuch Priſoner at the Return thereof.

SECT. LXVIII.

That if Judgment be obtained againſt any Jailor or Keeper of a Priſon, in any Action for any negligent or wilful Eſcape, ſuch Jailor or Keeper of a Priſon ſhall pay one hundred Pounds for every ſuch Offence, to the Stock of the County where ſuch Judgment ſhall be obtained; and upon the Deſire of the Party who hath ſuch Judgment, to the Court where the ſame is obtained, beſides the ordinary Way of Execution, the ſaid Court ſhall forthwith commit ſuch Jailor or Keeper of Priſon, to ſuch other Priſon within this Commonwealth, as the Party having Judgment ſhall Deſire, where he ſhall remain cloſe Priſoner in Execution and Irons, until the ſaid Judgment and Fine be ſatisfied; and ſuch negligent or wilful Eſcape ſhall be Forfeiture and Loſs of the ſaid Office of Jailor or Keeper of a Priſon.

SECT. LXIX.

That in a Replevin (inſtead of Pledges) the Plaintiff ſhall enter Bond with Sureties to the Defendant, conditioned, that if he ſhould not proſecute his Suit, or ſhall diſcontinue the ſame, or be nonſuited, or that Judgment be given againſt him therein, that then he will pay the Condemnation, or elſe upon demand pay the Defendant the true Value of the Goods diſtrained, and valued by the Officer, making Delivery of the ſaid Goods; who ſhall alſo take the Bond, and judge of the Sufficiency of the Security given, and deliver the ſaid Bond over to the Defendant: But in all Replevins of live Goods, the Party diſtraining ſhall be paid for the feeding of them before they be delivered.

SECT.

SECT. LXX.

That Hay or Corn, in Barn, Rick, or Mow, being upon the Tenement out of which Rent is due, may be diſtrained.

SECT. LXXI.

That within Twenty-four Hours after Diſtreſs taken for Rent due, Notice ſhall be given to the Owner, or left in writing at the Houſe or Lodging of the Owner, or of the Conſtable, Headborough, Tything-man, or like Officer of the Pariſh where ſuch Diſtreſs is made; who are hereby required to give him Notice thereof.

SECT. LXXII.

That Diſtreſſes taken for Rent of live Goods, preſerved by the Space of ten Days, and not replevied, and of dead Goods not replevied in fifteen Days, may be ſold; which ſhall be done in this Manner, (that is to ſay) the Party diſtraining, or ſome on his Behalf, ſhall acquaint the Sheriff therewith, who ſhall, at the next Sitting of the County Judicature, cauſe twelve Perſons out of the Jury Book to be ſworn, to deal uprightly touching the Appraiſement of the ſaid Goods, and giving the Parties who diſtrained them juſt Satisfaction out of the Value of them, according to their beſt Skill and Judgment; and the Perſons ſo ſworn, ſhall thereupon make Appraiſement of the ſaid Goods, and likewiſe ſet down what is juſtly due to the Party who diſtrained them, with his Damages and full Coſts, and the Charge of keeping the Diſtreſſes; and the Sheriff ſhall thereupon ſell the Goods, and by the Price pay the Party diſtraining his full Debts, Damages, Coſts and Charges ſo found by the Jury (if the Value will extend thereto) and if there be a Surpluſage, reſtore it to the Owner of the Goods, all but his own Fee, which he is to retain; and ſhall in the ſame Judicature cauſe the Appraiſement and Diſtribution of the Money to be entered; and this Proceding to be final, without further Queſtion to be had in Law or Equity.

SECT. LXXIII.

That if upon Trial in a Replevin upon a Diſtreſs taken for Rent, the Plaintiff be non-ſuited, or a Verdict be found againſt him, the Jury ſhall enquire of the whole Rent then due, and expreſs the ſame, and Damages and full Coſts, and declare whether the Plaintiff in Replevin ought to pay the Rent or no; and in caſe the Jury find that he ought to pay the Rent, then Judgment ſhall be given for all the ſaid Rent, Damages and full Coſts, as in an Action of Debt, after Verdict and like Execution awarded: But if the Jury ſhall find that the Goods diſtrained and replevied, did not belong to the Party who ought to pay the Rent, then they ſhall enquire the true Value of the Goods diſtrained, and aſſeſs Damages and full Coſts, and Judgment ſhall be given for ſo much of the Value of the ſaid Goods as the Debt cometh to, with Damages and Coſts, as in Action of Debt,

and like Execution awarded; and such Judgment shall be final, without further Question in Law or Equity.

SECT. LXXIV.

That he that hath Right of Entry into any Messuage, Lands, Tenements, or Hereditaments, may commence his Suit and declare against the present Tenant, Possessor, or Occupier, for a Trespass, and withholding Possession from him; and if the Jury shall find the Plaintiff's Right, and withholding Possession from him, or Judgment pass by Default, he shall have Judgment for recovering the Possession, as well as Damage for the Trespass, if the Trespass only be found, and Execution accordingly, and by Virtue thereof shall hold the Possession until he be lawfully evicted; but such Judgment and Execution shall not be a Bar to any better Right: And the chargeable and uncertain Course of sealing Ejectment-Leases, on purpose for recovering Possession, is to be henceforth forborn, and no more used.

SECT. LXXV.

That there shall be no Advantage of Survivorship between Partners in Trade, or Joint-Tenants, unless it be so expressly declared in Writing under their Hands and Seals; and for want of such express Declaration, the Estate in Partnership or Joint-Tenancy shall go as in case of Tenants in common.

SECT. LXXVI.

That where a married Man purchaseth Manors, Lands, Tenements, or Hereditaments, and it be declared in the Conveyance to him, that his Wife shall not be dowable of the same, she shall not have any Dower thereof; and a Woman shall not be dowable of such Estate of her Husband as was in Trust for another; nor shall an Estate in trust for another be liable to any Debts, Judgments, Statutes, or Recognizances of the Party trusted.

SECT. LXXVII.

That any Person having a Reversion in Fee in Lands, expecting immediately upon a Term for Years, and purchasing the said Term; if it be declared in the Deed of Purchase, that the Term of Years shall be kept on foot, the same shall not be drowned, but shall remain in him as a distinct Estate; and a like Declaration of keeping on foot any other Estate for Life, Years, or otherwise, shall preserve the same from drowning, in any greater Estate, in the Hands of the same Person, as fully to all Intents and Purposes, as if the same were in two distinct Persons.

SECT. LXXVIII.

That where any Person having an Inheritance in himself, or in Trust, and a particular Estate or Trust in the same Thing, and dieth without any Disposition of the particular Estate or Trust, the same shall go along with the Inheritance.

SECT.

SECT. LXXIX.

That a Colateral Warranty, firſt deſcending, from and after the paſſing of this Act, ſhall not bind the Heir, on whom it deſcendeth, in any other Manner, then a Lineal Warranty with Aſſets.

SECT. LXXX.

That where a Leſſee for the Life of another, dieth in the Life of that other, the Eſtate which heretofore was called a *General Occupancy*, ſhall go to the Heir of the Leſſee, as an Eſtate of *Special Occupancy*, and both the Eſtates ſhall be liable to the Debts of the Anceſtors, as if deſcended in *Fee-ſimple*.

SECT. LXXXI.

That for want of Heirs of the whole Blood, Lands in Fee ſhall deſcend to the Siſter and other Heir of the half Blood, and ſhall not in ſuch caſe eſcheat to the Lord of the Fee.

SECT. LXXXII.

That where Waſte ſhall be done by any Party (who may not lawfully do it) an Action of Waſte ſhall lie for the ſame by him who hath the Inheritance; in which he ſhall recover his treble Damages till Trial, and full Coſts of Suit, and the Place waſted, during the Continuance of ſuch Eſtate only, as the Party doing or wilfully ſuffering ſuch Waſte, had in the ſame: And ſuch Action of Waſte, as alſo a Writ of Dower, and a Writ of Partition between Joint-Tenants, Tenants in Common, and Partners of any Eſtate, ſhall and may be brought, heard and determined in any Court of Record for Common-Pleas or County Judicature, for any Lands, Tenements or Hereditaments within the ſaid County; and upon Return of the Writ in any ſuch Caſe, if the Defendants appear not, they ſhall be called three Times; and not then appearing, the Party ſerving the Summons ſhall be ſworn touching the Service thereof; and if it appear not duly ſerved, a new Summons ſhall iſſue; but if it appear duly ſerved, and the Declaration filed, the Court ſhall then (as alſo where the Party do appear and plead to Iſſue) cauſe a Jury to be ſworn, and try the Matter; and (if a Verdict be found for the Plaintiff) give Judgment preſently, and award Execution thereupon: And the Court ſhall appoint three or more of the ſaid Jurors, to join with the Sheriff or Coroner in ſetting out the Lands, Tenements or Hereditaments ſo recovered, and a Time and Place of Meeting ſhall be expreſſed in or indorſed on the Writ of Execution, for the Sheriff and Jurors to meet; and the Sheriff and Jurors ſhall, under their Hands, return diſtinctly what Lands, Tenements or Hereditaments, and in what manner ſet out, and ſhall have five Shillings apiece for their Pains, unleſs the Lands recovered be worth above forty Pounds yearly, and there ten Shillings apiece (or more if the Court find cauſe) and every of them found negligent in their Duty, ac-

cording to this Act, shall for every such Neglect forfeit ten Pounds, one half to the Commonwealth, the other half to the Party injured: And if there be any Fraud in the Prosecution of any such Action, whereby any Party concerned, and not appearing (without any Neglect or wilful Default in him) shall suffer thereby, the Court upon Complaint and Examination thereof, finding the same true, may award a new Trial, and make void the former Judgment, and give Costs to either Party as there shall be Cause: And if a Plaintiff in any of the said Actions doth not prosecute, or a Verdict be found against him, the Defendant is to have full Costs; and if any Party besides the Inheritor of the said Lands be damnified by Waste, the Party so damnified may have an Action upon his Case to recover his Damages against the Party doing the wrong.

SECT. LXXXIII.

That where a Parent dieth Intestate, seized of any Estate of Inheritance descendable, by Law or Custom, to any one Child, leaving any other Child or Children unadvanced, one third Part of the said Inheritance, after the Parent's Debts paid, shall remain to such Child or Children un-advanced, and their Heirs; and unless a Child be married in the Life of the Parent with the Parents consent, or Land descend to such Child from the Parent by the Custom, or be settled on him, or shall be declared by the Parent in Writing under his Hand, or before two Witnesses, to be advanced, or that he shall have no Advancement; such Child shall be taken to be a Child unadvanced within this Clause of the Provision of this Act.

SECT. LXXXIV.

That the Names of all Attorneys in the Upper-Bench and Common-Pleas shall forthwith, after the passing this Act, be written out of the Rolls by the Chief-Clerk of either Court, and certified to the Clerk of the Peace of the respective County where they inhabit; who shall at the second General Session, next after passing this Act, deliver the said Names to the Grand Jury then sworn, who shall, as Part of their Presentment, return the Names of so many of them only, as they approve fit to be continued Attorneys in that County; and the Clerk of the Peace shall thereupon, without Delay, return the Names of the said Attorneys so approved, to the Chief-Clerk of the Court whence he received the same: And no Attorney shall be admitted to practise, as Attorney, after the End of the said second General Session, who shall not be approved by the Grand Jury of the County where he shall inhabit; and the Grand Juries of each respective County shall from Time to Time present to the Judges of the Courts of Justice, the Names of fit Persons, inhabiting within their County, to be Attorneys, as often they shall find the Number of them to be too few, and the Court shall allow such of them as shall be able: But none are to be presented or allowed for Attorneys, which have not be educated in some of the Inns of Chancery to fit them for that Employment.

SECT.

SECT. LXXXV.

That no Attorney ſhall be admitted to appear for any Perſon, until Oath be made of the Service of the Summons, unleſs he make Oath before the Chief-Clerk, that he hath Order from the Client for whom he doth appear, ſo to do, and produceth a Warrant to the Chief-Clerk, under the Hand and Seal of the Party that gave him Direction; nor ſhall any Attorney confeſs Judgment in any Action: And if any Attorney appeareth without Warrant from his Client for whom he appears, or confeſſeth a Judgment againſt his Client, he ſhall ſuffer ſuch Puniſhment as one convict of Perjury.

SECT. LXXXVI.

That all Matters now determinable in the Court of Exchequer, or other Court of Revenue, touching the Revenue of the Commonwealth, ſhall be heard and determined, both in Law and Equity, in the Upper-Bench; and there ſhall be like Proceſs and Proceedings for the Commonwealth, as for other Perſons at the Common Law, and not other: And that the Sheriff of each County ſhall levy all the uncertain Revenue of the Commonwealth, and other Revenue as he ſhall be commanded to levy by Proceſs; and that there be an Officer continued, called *The Remembrancer of the Commonwealth*, who ſhall execute the Office in Perſon, and not by Deputy (except in caſe of Sickneſs, and then by a Perſon thereto deputed by the Court) and all Fines, Recognizances, and other Things for the Commonwealth, ſhall be ſent to him: And the ſaid Remembrancer ſhall iſſue out all Proceſs, and upon Return file the ſame, and keep the Vouchers and Records touching the Revenue; and there ſhall be a Comptroller, who ſhall enter all Things touching the Revenue in fair Books to be kept for that Purpoſe: And there ſhall be two Auditors for taking all Accounts touching the Revenue, in Preſence of the ſaid Comptroller, who ſhall alſo ſign the Account with the Auditors; and all Accounts of the Revenue ſhall be declared in Court, or before two or more of the Judges of the ſaid Court: And there ſhall be a Regiſter to enter all Orders and Decrees touching the Revenue: And there ſhall be a Perſon appointed for the receiving and paying out of all Moneys; and ſuch other Officers, touching the ſaid Revenue, as the Parliament ſhall appoint: And all the ſaid Officers, touching the ſaid Revenue, ſhall have their Salary from the Commonwealth, to be appointed by the Parliament: And the Court of Exchequer, and all other Officers now belonging thereunto, being unneceſſary and chargeable, ſhall be, and hereby are from and after

aboliſhed and taken away.

SECT. LXXXVII.

That the County Palatine of *Durham*, from and after

be aboliſhed, and be called and accounted the County of *Durham*, and one of the Counties of *England*. The County Palatine of *Lancaſter*, from and after

be alſo aboliſhed, and be accounted Part of *Lancaſhire*. The Royal Franchiſe-

or

or County Palatine of *Ely*, from and after
be alſo aboliſhed, and be, and be accounted Part of *Cambridgeſhire*. The County Palatine of *Cheſter*, from and after be alſo aboliſhed, and be, and be accounted Partof *Cheſhire*, and taken into the ſame Circuit with *Staffordſhire*. And the aforeſaid Shires and County of *Durham*, ſhall be under like Rules, Orders and Government, and have like Judicatures, Officers and Miniſters of Juſtice, elected in like manner, and to have like Continuance, as other Counties of this Commonwealth: And from and after
Months next after the Eſtabliſhment of the ſaid Judicatures, the Courts of the ſaid Counties Palatine and Royal Franchiſe, Courts of Quarter-Seſſions of the Peace, County-Courts, Sheriff's-Turns, Hundred-Courts, and all other Courts of particular Liberties and Franchiſes, now uſed, ſhall be aboliſhed and taken away.

Provided always, That nothing in this Act ſhall extend to the taking away of any Monthly Meeting or Petty-Seſſions in any County, or any of the Court of Seſſions of the Peace, *Oyer* and *Terminer*, and Goal-Delivery, within or for the County of *Middleſex*; or of any Court of the Cities of *London*, *York*, *Norwich*, *Exeter*, *Briſtol*, *Cheſter*, the Town of *Newcaſtle*, *Dover*, and the Cinque-Ports, Courts of Admiralty, Courts Leet, Courts Baron, or Copy-hold Courts; or to the taking away of the Power of any Borough or Corporation, Courts of Record in holding Pleas againſt any Member of the ſaid Borough or Corporation; obſerving always a Summons, with a Copy of a Declaration to the Defendant, and Oath made thereof, and filed with the Declaration in Court, before his Perſon or Goods be attached; delivering Copies of Pleadings without Fees, and obſerving ſuch Proceſs as is appointed in the Courts of County Judicature; and the Commiſſioners of the Great Seal of *England*, for the Time being, ſhall appoint a Judge for the Counties of *Denbigh*, *Flint* and *Montgomery*, who ſhall there have Power to do and act as the Chief-Juſtice of *Cheſter* might have done before this Act; and that no Preſentment, Indictment or Cauſe commenced in any Court or County Judicature, Seſſions of the Peace, Corporation or Borough Court where it may be determined, ſhall be ſtaid by Prohibition, or any Way remove thence, ſave only upon an Appeal.

SECT. LXXXVIII.

That upon any Action between Party and Party, or Information upon any penal Statute, none ſhall be attached or proceeded againſt by Writ or Attachment of Privilege, Latitat, Bill of *Middleſex*, or another Proceſs; or be outlawed, or any Ways arreſted by any Serjeant, Bailiff, Meſſenger or other, ſave only as this Act preſcribeth; and all Outlawries in civil Cauſes to ſtand reverſed.

SECT. LXXXIX.

That no Serjeants, or Counſellors at Law, or Attorneys, ſhall be admitted to practiſe, without taking the reſpective Oaths following:

The OATH for SERJEANTS and COUNSELLORS at LAW.

I *Will not wittingly adviſe or conſent to any thing to prejudice my Client, by Delay or otherwiſe in his Cauſe, or adviſe or conſent to the putting in any*

Plea or Demurrer, with Intent to delay any Suit; I will not adviſe the commencing, proſecuting or defending of any Cauſe, which in my own Judgment and Conſcience I do think unjuſt: I will to the beſt of my Skill adviſe my Client, that which I judge to be the ſpeedieſt Courſe, and with leaſt Charge, to recover his Right, and defend himſelf from Wrong; and uſe my beſt Endeavour for him, in the lawful Way of my Profeſſion, for thoſe Ends: I will not knowingly miſinform or deceive any Court where I ſhall plead; but in all Things behave myſelf as an honeſt and faithful Counſellor ought to do, to the utmoſt of my Underſtanding and Conſcience.

The OATH for ATTORNEYS.

I Will not knowingly lay any Action, ſave in the County where the Cauſe of Action ariſeth, or the Defendant dwelleth, unleſs it be by Order of Court, or Conſent of the adverſe Party: I will not plead or adviſe, or conſent to the pleading of any foreign or other dilatory Plea, or put in any Demurrer, with Intent to delay the adverſe Party: I will not in any manner knowingly miſinform the Court, or delay, or conſent to any thing which may prejudice my Client by Delay in any Suit: I will not demand or receive from my Client more than my juſt Fees, or what I ſhall juſtly pay for him: I will not ſue nor appear for any Perſon without his Direction: I will uſe no Falſhood or Deceit, or Conſent to any in this Court: And if I know of any, will (as ſoon as I may) diſcover it to the Court; and will in all Things behave myſelf as an honeſt Attorney ought to do, to my Power.

A TABLE *of* FEES *for the Proceedings at* COMMON-LAW, *to be hung up in every Court.*

	l.	*s.*	*d.*
FOR every Thing ſealed with the Seal of the Court, to be paid to the Keeper of the Seal, to the Uſe of the Commonwealth	0	0	6
For a Serjeant or Barriſter at Law for a Motion, Trial, or attending a Reference, or giving his Opinion upon a Caſe ſtated in writing	0	10	0
And for an Argument upon a ſpecial Verdict or Demurrer —	1	0	0
And the Client is not to give, or the Lawyer expect or receive above the aforeſaid Fees; and no Perſon is to take a Fee for pleading or Advice in Law, who is not a Serjeant or Barriſter at Law: But theſe Fees ſhall not extend to Pleaders in Corporations, where they uſe to take leſs Fees; and there they are not to take greater Fees than have been uſually accuſtomed.			
To the Chief-Clerks and Under-Clerks, for writing, entering, and filling the Summons; or for a Summons to teſtify, and Entry thereof, beſides the Seal	0	1	0
The like for the Writ of Attachment and Filing.			
For making and filing a Writ of Enquiry of Damages —	0	1	0
The like for making and filing a Writ of Execution.			

To

	l.	*s.*	*d.*
To the Plaintiff's Attorney for ſuing out the Summons, drawing and engroſſing the Declaration, and one Copy thereof, including his Fee	0	6	6
The like to the Defendant's Attorney for appearing, and putting in a Plea, general or ſpecial, or Demurrer, and one Copy thereof.			
To the Attorney for his Care and Pains at the Trial, or upon a Writ of Enquiry	0	3	6
The like for ſueing forth and proſecuting the Writ of Execution.			
To the Sheriff, for himſelf and ſuch as he ſhall employ for executing a Writ of Attachment, and the Return thereof	0	3	6
To the Sheriff, Chief-Clerk, or Juſtice of Peace, taking Security	0	0	6
For adminiſtering an Oath	0	0	4
To the Sheriff for ſummoning and returning the Jury in every Cauſe tryed	0	1	0
To the Sheriff for inventorying, appraiſing and ſecuring Goods, upon the Writ of Attachment, for the Value of every Twenty Shillings	0	0	1
To the Sheriff for delivering Poſſeſſion upon a Writ of Execution, where no Oppoſition is made	0	10	0
Where forcible Oppoſition is made, and the Party convicted thereupon	10	0	0
Both theſe to be paid by the Defendant, and the Plaintiff nothing in either Caſe.			
To the Clerk for writing the Names of Jurors, Calling and Swearing, Reading the Evidence, and Recording the Verdict or Nonſuit, in every Cauſe tried, from the Party for whom the Verdict is given, or from the Defendant where the Plaintiff is Nonſuit, or the Defendant hath a Verdict	0	2	0
To the Clerk for every Rule or Order of Court	0	0	4
To the Clerk for drawing up every ſpecial Verdict	0	1	0
Or two Pence for every twelve Lines with ten Words in a Line, at his Election.			
To the Chief-Clerk and Under-Clerks, for filing all Proceedings, entering up the ſame, and Judgment upon Record	0	2	0
Or two Pence for every twelve Lines, as before.			
To the Chief-Clerk for filing and keeping all the Records, to be paid upon the filing of the Declaration	0	1	0
For any Search and Liberty to read	0	1	0
For acknowledging Satisfaction on Record	0	1	0
For any Copy of a Record, for every twelve Lines having ten Words therein	0	0	2
For exemplifying any thing upon Record, for every twelve Lines having ten Words therein, beſides the Seal	0	0	3
For a Writ of Notice called a *Scire facias*, and the Return, beſides Sixpence for the Seal to the Commonwealth in all Courts	0	2	0

For a Writ to have the Body called a *Habeas Corpus*, and the Return, beſides Six-pence to the Commonwealth for the Seal in all Courts	0	2	0
For the Anſwer in writing to any Petition —— ——	0	2	6
To the Cryer for every Cauſe tried, to be paid by the Party for whom the Verdict is given, or from the Defendant where the Plaintiff is Non-ſuit, or the Defendant hath a Verdict —— ——	0	1	0
Beſides for every Witneſs that appeareth and giveth Evidence, by the Party producing him —— —— —— —— ——	0	0	4
To the Door-keeper, and ſuch as cleanſe the Court, upon every Cauſe tried, to be paid as the Cryer's Fee —— —— ——	0	1	0
For writing any thing not within the former particular Fees, for every twelve Lines with ten Words in a Line —— ——	0	0	2

And if any Perſons aforeſaid, ſhall demand or receive any more or other Fee than is before expreſſed (not being allowed by Act of Parliament) or any thing for Expedition, the ſame ſhall be adjudged Extortion.

That no Attorney ſhall receive any Fees exceeding ten Shillings in any one Cauſe, above the Fees hereby allowed him, and yet ſhall continue and uſe his beſt Endeavour in the way of his Profeſſion, to bring that Cauſe to a ſpeedy End, or otherwiſe ſhall return all the Fees he hath received in the Cauſe; and if he offend herein, ſuch Offence ſhall be puniſhed as Extortion.

And be it further Enacted, That any Perſon not really worth ten Pounds, and making Oath of the ſame, is to be admitted to ſue as a poor Man in Law or Equity without any Fee; ſo always as before ſuch Admittance, ſome Serjeant or Counſellor at Law, Juſtice of Peace, or other underſtanding Perſon of Integrity, known to the Judge who admits him, do ſet down in Writing under his Hand the State of the Caſe, and that he conceives the Plaintiff hath juſt Cauſe of Suit; which Certificate is to be filed with the Chief-Clerk, without Fee.

Touching Criminal Cauſes.

BE *it Enacted*, That hereafter when the Clerk of the Court hath read over the Preſentment, Indictment or Information to the Party accuſed, inſtead of aſking *Guilty* or *Not Guilty*, he ſhall only aſk, *What ſayeſt thou to the Charge now read againſt thee?* And if the Party accuſed ſhall not thereupon confeſs the Fact, or plead ſpecially, ſuch Party ſhall ſay, *I abide my lawful Trial*; whereupon, without any further Form or Queſtions of Courſe to the Priſoner, the Court ſhall proceed to Trial.

SECT. II.

That the Judgment and Puniſhment of Preſſing, (commonly called *Paine fort & dure*) and all Proceedings thereupon, ſhall be from henceforth aboliſhed; and in Caſe any Perſon or Perſons ſhall hereafter ſtand mute, or not plead (whereby the ſaid Judgment ſhould heretofore have been awarded againſt ſuch Priſoner) in every ſuch Caſe, the Party ſo ſtanding mute, or refuſing to plead, and all Acceſſaries thereunto, as well before as after the Facts, ſhall have ſuch and the like

Judgments and Proceedings, and ſhall ſuffer ſuch Pains, Penalties, and Forfeitures, to all Intents and Purpoſes, as if ſuch Parties had been convicted by Verdict.

SECT. III.

That as well in Matters of Fact as Law, where there ſhall any Perſon plead as of Counſel againſt the Priſoner, in ſuch caſe the Priſoner may have Counſel; and any credible Witneſſes produced by the Priſoner, ſhall hereafter deliver their Teſtimonies upon Oath.

SECT. IV.

That beſides the Puniſhment already by Law inflicted upon wilful Murtherers, it ſhall be part of the Judgment pronounced againſt every ſuch Offender, That their Right Hand ſhall be cut off before their Life be taken away.

SECT. V.

That where the Jury ſhall find, That the Party indicted killed the Perſon (for whoſe Death ſuch Party ſtands indicted) either in the juſt and neceſſary Defence of their own or another's Life, or that the Death happened by Miſadventure; in ſuch Caſe, any Party ſo found ſhall be clearly acquit, without incurring any Penalties or Forfeitures, or ſuing out any Pardon of courſe; and nothing to be henceforth forfeited as a Deodand.

SECT. VI.

That the Uſage and Cuſtom of demanding and allowing the Book, commonly called *the Clergy*, and all Proceedings thereupon, together with the Power, Office and Juriſdiction of the Ordinary concerning the ſame, be from henceforth taken away and aboliſhed.

SECT. VII.

That all and every Perſon and Perſons, who ſhall be hereafter convicted as Principals of Man-ſlaughter, or as Acceſſaries thereunto before the Fact, ſhall have Judgment of Death; but ſuch Judgment ſhall work no Corruption of Blood, or Forfeiture of Lands or Goods: And that every Perſon convicted as Acceſſary after ſuch Fact, ſhall only have Judgment to forfeit all his Goods and Chattels, and ſuffer Impriſonment for the ſpace of five Years, from the Time of ſuch Conviction.

SECT. VIII.

That every Perſon and Perſons, who ſhall be hereafter convicted of Felony, in being married to a ſecond Huſband or Wife, the former being living, ſhall have Judgment to die, and ſuffer ſuch Pains of Death, Penalties and Forfeitures, as in Caſes of Adultery. *Provided nevertheleſs*, That it ſhall and may be lawful to, and for the Court before whom any Perſon ſhall be convicted of Manſlaughter, either as Principal or Acceſſary before the Fact, in Manner aforeſaid; or for mar-

rying a ſecond Huſband or Wife, the former being living as aforeſaid (if the ſaid Court upon the Evidence ſhall ſee Cauſe) to reprieve ſuch Perſons from Execution, for the Space of ſix Months; and in ſuch Caſe, ſhall, within two Months after ſuch Reprieve, make Certificate (under their or any three of the Hands of the Juſtices before whom the Trial was had) to the Parliament, or in the Intervals thereof to the Council of State, of the Reaſons inducing the Court thereunto, who may thereupon pardon the Parties, or otherwiſe order therein as they ſhall ſee Cauſe.

SECT. IX.

That in all Caſes of felonious Stealing, where a Man offending might heretofore have had the Benefit of Clergy, in ſuch Caſes every Perſon, whether Man or Woman offending, convicted thereof, ſhall be burnt in the Left-Hand with the Letter T, and be alſo ſent to the Houſe of Correction, or Work-houſe, there to continue at hard Labour, until treble the Value of the Goods ſtolen be rendered to the Party injured; which Value ſhall be aſcertained by the Jury that ſhall try the Fact at the Time of the Trial, except the Court before whom the Conviction ſhall be, ſhall upon ſome ſpecial Cauſe think fit to order the Continuance of the Offender in the Houſe of Correction, or Work-houſe, for ſome longer Time; in which Caſe, the ſaid Party ſhall continue therein accordingly, ſo as ſuch Time exceed not the Space of three Years. *Provided*, That unleſs there be ſome other lawful Witneſs or Witneſſes againſt the Priſoner, for Proof of the Fact, beſides the Party whoſe Goods were ſtolen, or that the Party confeſs the Fact, no Reſtitution of the treble Value ſhall be in ſuch Caſes awarded to the Party: And the unlawful taking and carrying away of any thing fixed to the Freehold, with a felonious Intent, ſhall be judged a felonious Stealing within this Law, in ſuch ſort as if the Thing carried away had been before ſevered from the Freehold by ſome other.

SECT. X.

That in all Caſes (ſave in Man-ſlaughter, marrying a ſecond Huſband or Wife, the former living, and in caſe of Theft as aforeſaid) where a Man offending or convicted, might heretofore have had the Benefit of Clergy, in ſuch Caſes any Perſon convicted of any ſuch Offence, ſhall be burnt in the Left Hand with ſuch Mark as the Court ſhall appoint, and ſtand in the Pillory for the Space of two Hours at the leaſt, each Time upon two ſeveral Days, in ſome public Market-place, in the middle of the Day, with their Offences legibly written upon their Foreheads, and be committed to the Houſe of Correction or Work-houſe, to be kept at hard Labour for ſome Space of Time, not exceeding three Years, as to the Court where the Trial is ſhall be thought fit; but ſhall not be releaſed before he have given Security for his good Behaviour during his Life.

SECT. XI.

That the Judgment for Women in any Caſe to be burnt, be taken away; and from henceforth, where heretofore ſuch Judgment ſhould have been had, the Judgment hereafter ſhall be, That ſuch Woman ſhall be drawn upon a Hurdle to the Place of Execution, and then be executed by Hanging, as in other Caſes.

SECT. XII.

That where any ſhall be hereafter convicted for Clipping, Waſhing, Rounding, Filing, Diminiſhing, Falſifying, or Lightening the Coin of this Nation, or of foreign Coin, current in this Nation, he and they ſo convicted ſhall have the ſame Judgment, and undergo the ſame Pains, Penalties, and Forfeitures, as a Perſon convicted for counterfeiting the Coin of this Commonwealth ſhould have done at the making hereof.

SECT. XIII.

That where any Child, whether Male or Female, being of the Age of Fifteen Years, or under, ſhall be by Violence, or otherwiſe unlawfully taken away without the Conſent of the Parents, Guardians, Tutors, or next Friends, to whom the Cuſtody and Care of ſuch Child appertained, the Perſons ſo wilfully taking away ſuch Child or Children, and all aſſiſting, aiding and abetting thereunto, ſhall have Judgment of Death. *Provided always*, That this Act extend not to any Perſon taking any Child, Male or Female, really and indeed claiming them as a Guardian.

SECT. XIV.

That if any ſhall hereafter ſend to, or reſort to any Perſon known by the Name of a *Cunning Man*, or the like, for the Diſcovery or finding out any Goods loſt or ſtolen, or to know who ſhall be their Huſbands or Wives, or any other ſuch like future Contingencies; and all unlawful Undertakers to make any ſuch Diſcoveries, who ſhall take upon them actually to do the ſame, being thereof convicted, ſhall ſuffer Impriſonment in the Houſe of Correction, or Work-houſe, by the Space of one Year, and be kept to hard Labour, and ſtand four Market-days in the Pillory, ſix Hours at a Time, with a Paper on the Forehead, declaring the Offence.

SECT. XV.

That the Judgment for the firſt Offence for ſtealing a Horſe, Mare, or Gelding, picking a Pocket, or cutting a Purſe ſecretly, ſhall not be Death, but ſhall be to be burnt in the Left Hand, and to abide at hard Labour in Chains in the Work-houſe, by the Space of two Years together, and be whipped once every Month; and not to be releaſed, until Reſtitution made to the Party injured treble the Value, and whenever releaſed, to have a Collar of Iron rivetted about the Neck, to be ſeen; and if found without the ſaid Collar of Iron, and convicted thereof, to ſuffer Death.

SECT. XVI.

That any Perſon convicted of wilful Perjury or Subornation of Perjury committed after this Act, ſhall ſtand in the Pillory, and have both his Ears cut off, and alſo have his Noſtrils ſlit and ſeared with a hot Iron, ſo as they may remain

as a perpetual Note or Mark of his Falſhood, and ſuffer ſix Months Impriſonment in the Work-houſe, without Enlargement, and be liable to ſatisfy the Party damnified treble the Value: And it is to be underſtood, that a wilful falſe Affidavit, or other wilful falſe Oath, upon any Anſwer in Chancery, or any other wilful falſe Oath in any Court of Record, is Perjury within this Law.

SECT. XVII.

That every Reprieve from Execution by Judges, who have Power to give Judgment of Death, ſhall contain the Reaſons thereof, and be entered with the Clerk of the Court where Judgment is given; and no Reprieve to be of force longer than the next Goal-Delivery, unleſs it be then continued in open Court.

SECT. XVIII.

That where any Proſecutor of any Perſon for Burglary, Robbery, or any other felonious Stealing, or any Witneſs (that ſhall attend to give Evidence to prove the Fact againſt ſuch Offender) ſhall perſonally deſire ſome Allowance from the Court where the Trial ſhall be, towards their Charges of Attendance and Proſecution, and ſhall make Oath (if the Court require them) *That he or ſhe is not worth (beſides Debts paid) the Sum of one hundred Pounds*; in ſuch caſe, as alſo for the Charge of removing Priſoners from one Goal or County to another, the Court where the Trial is, ſhall from Time to Time allow out of the County Treaſury ſuch Sum and Sums of Money to every ſuch Perſon as to them ſhall be thought meet. *Provided*, That this Act be not conſtrued to alter or make void the Law already in force for defraying the Charge of conveying Offenders to the Goal. *Provided alſo*, That the Juſtices who ſhall grant any ſuch Allowance to a Proſecutor, have regard alſo to the treble Value of the Goods ſtolen, in caſe ſuch Proſecutor be in a Poſſibility to receive the ſame.

SECT. XIX.

That every Perſon (other than the Party injured, or any of his Family) by whoſe Care and Pains any Perſon ſhall be hereafter apprehended and convicted for Robbery, Burglary or Murther, ſhall (in caſe ſuch Perſon perſonally deſire the ſame before the Court) have for Reward for his good Service done (by Appointment of the Court to be forthwith paid out of the County Treaſury) ſuch Sum as to the Court ſhall be thought fit, (not exceeding ten Pounds) and where the Apprehenſion ſhall be in one County, and the Conviction in another County, ſuch Reward ſhall be paid in the County where the Conviction ſhall be.

SECT. XX.

That all Juſtices of the Peace be careful, upon the bringing any Offenders before them, not only to take ſuch Examinations and Informations as the Law is required;

required; but alſo, if it ſhall appear to the Juſtice, that the Perſon apprehended for any Burglary, Robbery, or any felonious ſtealing, did commit the Fact, ſuch Juſtice ſhall expreſs the ſame in his Warrant for the Commitment, and alſo in ſuch caſe require the Keeper of the Goal (in caſe the Priſoner cannot maintain himſelf) to ſet the Party ſo committed to hard Labour for his Maintenance, until ſuch Party ſhall be delivered by due Courſe of Law; and if the Goaler ſhall not accordingly cauſe every ſuch Offender to be ſet at work, and be thereof duly convicted, he ſhall forfeit the Sum of twenty Pounds, to be paid in to the County Treaſury of the Stock for the Work-houſe.

SECT. XXI.

That ſuch as kill themſelves ſhall not forfeit any thing by Reaſon thereof, unleſs at the Time of the Fact committed they be under Reſtraint or Proſecution for ſome capital Offence.

SECT. XXII.

That the Juſtices of the Peace of each City and County within this Nation, at ſome General Seſſions, ſhall from Time to Time make choice of ſome godly and painful Preacher, living near every common Goal, who ſhall (in ſome fit Place within the Priſon, to be appointed by the Care of the ſaid Juſtices, and at ſuch Times as they ſhall think fit) inſtruct and pray with the ſaid Priſoners; which Perſon ſo choſen ſhall, during the Pleaſure of the ſaid Juſtices, have ſuch Allowance for his Pains therein, to be paid out of the County Treaſury, as to the ſaid Juſtices, or to the greater Number of them preſent, ſhall be thought fit.

SECT. XXIII.

That no Perſon indicted or proſecuted ſhall pay any Fee at all, until a Verdict or Judgment; and where any Party is acquitted, he ſhall pay no Fees at all: But the Court may in criminal Cauſes, and not capital, give Coſts, either to the Proſecutor or Party proſecuted, as ſhall be juſt, and award Execution for the ſame; and the Party which hath the Coſts, ſhall pay the Fees of the Court.

SECT. XXIV.

Whereas by diverſe Statutes heretofore made, the Crimes and Offences therein mentioned, are ordained and enacted to be heard and determined before the Juſtices of Peace in their Quarter-Seſſions; that for Time to come, ſuch Crimes and Offences in *London* and *Middleſex*, may be as well heard and determined, and have the like and ſame Proceedings in any general and open Seſſions of the Peace to be held for *London* and *Middleſex*, as if the ſame had been heard and determined in any general Quarter-Seſſions.

SECT.

SECT. XXV.

That it ſhall not be lawful for any Perſon, who ſhall have any Goods feloniouſly taken away, to bring any civil Action for the Recovery thereof, or for Damage for the ſame, before he have proceeded criminally, with effect, againſt the Offenders; but he may bring his Action after ſuch effectual Proſecution.

SECT. XXVI.

And be it further Enacted, That as well this preſent Act, as all Laws in force againſt Drunkenneſs, prophane Swearing, Curſing and Sabbath-breaking; as alſo an Action heretofore made for preventing the deſtroying and murthering of Baſtard-Children, ſhall once every Year (that is to ſay) at the General Seſſion next enſuing the twenty-fourth of *June* yearly, be publickly read by the Clerk of the Court, upon pain, that for his Omiſſion therein, he ſhall forfeit the Sum of ten Pounds to the Uſe of the County Treaſury.

A Table of Fees touching all Criminal Caſes, to be hung up in every Court having Power in ſuch Cauſes.

	l.	*s.*	*d.*
FOR a Recognizance out of Court to appear and anſwer, and for certifying it	0	1	6
For a Warrant to appear and anſwer, or any Warrant for the Peace or Good-behaviour	0	0	6
To the Chief-Clerk for drawing an Indictment in Caſes which are not for Felony	0	0	6
Or Three-pence for every twelve Lines, having ten Words in a Line, at his Election.			
For a Writ of Reſtitution in forcible Entry (beſides Six-pence to the Commonwealth for the Seal)	0	1	0
To the Sheriff for Execution upon that Writ, to be paid by the Party convicted of the forcible Entry, if no Oppoſition be made by him upon Reſtitution	0	10	0
And if Oppoſition be made, ten Pounds, whereof five Pounds to the Uſe of the Commonwealth	10	0	0
To the Chief-Clerk, or Clerk of the Peace, upon every Conviction for Felony or other capital Crime, to be paid by the Commonwealth out of the Fines and Forfeitures payable to them, in regard of his Pains and Care in making out Proceſs, taking and filing Recognizances and Examinations, drawing the Indictment, arraigning the Priſoner, entering his Plea, ſwearing the Jury, calling and ſwearing the Witneſſes, managing the Evidence, reading the Examinations, entering the Verdict and Judgment, making forth the Warrant of Execution, certifying forfeited Recognizances and Forfeitures into the Court of Revenue, making the Writ of Execution for ſtolen Goods, and keeping Records	0	5	0

For

For-ſwearing an Informer, entering his Oath, and recording his Information upon a penal Law	0	2	0
For a Summons, or other Proceſs upon an Information, to bring in a Perſon accuſed to appear and anſwer in any criminal Cauſe, beſides Six-pence to the Commonwealth where the Seal is affixed	0	1	0
For entering every ſpecial Plea — Or Three-pence for every twelve Lines with ten Words in each.	0	1	0
To the Chief-Clerk for the Proceedings in a Cauſe not felonious, entering and recording Judgment either for or againſt a Party accuſed, and certifying or diſcharge of Recognizance, to be paid by the Party in Default	0	5	0
To the Cryer	0	1	0
To the Marſhal	0	1	0
For an Order or Rule, Four-pence, or Two-pence for twelve Lines, as aforeſaid	0	0	4
For entering the Diſcharge from the Peace or Good-behaviour	0	0	6
For pleading, entering and allowing of Pardons, to the Clerk	0	5	0
For an Oath in Caſes not relating to Felony	0	0	4
For a Writ to have the Body, or remove a Priſoner	0	1	0
For all Copies of Records, Informations, Indictments and Recognizances, for every twelve Lines, as aforeſaid	0	0	2
To the Chief-Clerk annually to be paid out of Fines and Forfeitures due to the Commonwealth, for making Proceſs to remove Priſoners, and for his Pains and Trouble in all Caſes on Behalf of the Commonwealth where no Fee is allowed.			
To a Goaler, for a Priſoner committed for any Crime, to be paid at the Diſcharge.	0	2	6

And be it further Enacted, That if any Officer, Clerk of any Court of Juſtice, or Miniſter of Juſtice, Jailor or Keeper of any Priſon, ſhall demand or receive any more or other Fee, than as before expreſſed, in Reference to any criminal Cauſe, not being allowed by Act of Parliament, or any thing for Expedition, the ſame ſhall be judged Extortion.

Touching Appeals.

BE *it Enacted by the Authority of this preſent Parliament*, That all the Judges in the Courts of Chancery, Upper-Bench and Common-Pleas, ſhall be eligible at the End of every third Year, and ſhall receive an honourable Salary from the Commonwealth, to be appointed by the Parliament: And if they ſhall directly or indirectly take Fee or Reward, other than what ſhall be appointed by the Parliament, the ſame ſhall be puniſhed as Extortion, and the Party convicted ſhall be diſabled to hold any Place of Truſt and Profit in this Commonwealth: And the Court, where any Perſon ſhall be queſtioned for ſuch Extortion, may give the Proſecutor ſuch ample Recompence out of the Offender's Fine, or impoſe Coſts and Damages upon a falſe and malicious Proſecutor, as they ſhall find juſt.

And be it further Enacted, That in all civil and criminal Cauſes, there may be an Appeal from the ſaid Courts; and to that End, once every Year, twenty Perſons ſhall be choſen by the Parliament, or in the Interval of Parliament by the Council of State, (whereof none to be pleading or practiſing Lawyers, Judges or Officers of any of the ſaid Courts) who ſhall be reſident in or near *London*, and ſhall be Judges of Appeal for a Year next enſuing, and until new be elected; and their Names forthwith certified by the Clerk of the Parliament, or of the Council of State, into the Court of Chancery, and there entered into the Regiſter's-Book; and if any of them die within the Year, or become unable to perform the Service, others ſhall be choſen in their Stead; but none to be choſen two Years together without his Conſent.

That upon any unjuſt Decree, Judgment, or Proceedings in any of the ſaid Courts, the Appeal ſhall be put in Writing, and delivered at the Regiſter's Office in Chancery, with all the Grounds and Reaſons thereof, ſigned with the Hand of the Party appealing, or the Hand of his Counſellor or Attorney, whereupon the Regiſter ſhall forthwith enter the ſame into the Regiſter-Book, and the Time when it was entered, and deliver back the Original, ſigned with his Hand, to the Party bringing the ſame (taking therefore Twelve-pence, or Two-pence for every twelve Lines, with ten Words in a Line, at his Election, and no more:) And the Party is then without Delay to deliver a Copy thereof to ſome Judge of the Court from whence he doth appeal, and another Copy to the adverſe Party or his Attorney; and if the Party appealing be not relieved by that Court, according to Juſtice, touching the Matter of his Appeal, within ſeven Days after the next ſitting of the ſaid Court where the Cauſe depended, he may repair to the Regiſter in Chancery, and depoſiting ten Pounds with him (unleſs admitted to ſue as a poor Man, and in that Caſe nothing) the ſaid Regiſter ſhall forthwith ſhew the Names of the twenty Judges of Appeal, written in ſeveral Papers, unto the Party appealing, his Solicitor or Attorney, and put them into a Box, and ſuffer him to draw out ſeven of them by Lot, and not by choice; and thoſe ſeven ſhall be Judges of that Appeal: And thereupon the Regiſter ſhall draw and enter an Order, and deliver a Copy thereof ſigned with his Hand, to the Party appealing, his Solicitor or Attorney (taking Twelve-pence for the ſame and no more) the Title whereof ſhall expreſs the Day of the Month when the Names were ſo drawn out, and the Names of the Parties between whom, and the Court where, and then ſhall Order to the Effect following:

UPON *the Appeal of* A. B. *Theſe are to require you,* [*naming the ſeven Perſons choſen Judges of the Appeal*] *to meet this Day Sevenight in the Court of* [*naming the Court where the Cauſe depends*] *at Two of the Clock in the Afternoon, and one of the Judges of the reſpective Courts thereto appointed by Parliament, are alſo required to be preſent; and you are to hear and determine the ſaid Appeal without Delay, and to do and act according to Juſtice.*

That one Judge of each of the ſaid three ſeveral Courts, ſhall (by the reſt of the Judges of the ſaid ſeveral Courts, upon Notice of the ſaid Order) be appointed to join with the ſaid Judges of Appeal in hearing the ſaid Appeal,

and two of the ſaid three Judges (not being a Judge of the Court where the Cauſe did depend) to join alſo in determining the ſame; and what the ſaid nine Judges, or any five or more of them, ſhall determine touching the ſaid Appeal, ſhall be final: And the ſaid Judges of Appeal, after their firſt ſitting, ſhall proceed without Delay to determine the ſaid Appeal; and ſhall upon their firſt meeting together, take the Oath which the Judges uſually take, which they may adminiſter each to other; and ſhall give their Judgment upon the ſaid Appeal, only upon what is entered in the ſaid Regiſter-Book.

That where the Appeal ſhall be for any Cauſe before the ſettling the Court of Appeal, the ſaid Appeal ſhall be entered within twelve Months next after the Court of Appeal is ſettled; and ſhall be for ſome Cauſe of Appeal ariſen ſince the third Day of *November*, 1638, or complained of ſince that Time in Court of Record, or by Bill or Petition in Parliament; and the Time for Appeals, as to any matter of Injuſtice, after the ſettling the ſaid Court of Appeal, ſhall be within twenty Days next after the Appellant hath Notice of the Injuſtice whereof he complains.

That if the Appeal be adjudged cauſleſs, the ſaid Ten Pounds depoſited ſhall be paid to the Commonwealth, otherwiſe repaid to the Party; and the ſaid Judges of Appeal ſhall give full Coſts to either Party reſpectively, and Damages as they ſhall find Cauſe: And where the Appeal is only from unjuſt Proceedings before Judgment or Decree, and the Appeal found juſt, they ſhall (beſides Relief upon the Appeal) proceed to hear and determine the whole Cauſe, according to the due Proceedings of the Court where the Cauſe firſt depended, and give ſuch final Judgment and Decrees in all Cauſes before them as ſhall be juſt, and award Execution accordingly; and to that End the Regiſter or Clerk of the Rules where ſuch Cauſe depended, ſhall attend the ſaid Judges of Appeal from Time to Time, and enter their Orders, Rules and Decrees; and all the Officers of the ſaid reſpective Courts, and Miniſters of Juſtice, are to take Care that Execution be done upon the ſame, as in Caſes of Judgments, Orders or Decrees, in the ſaid reſpective Courts.

That if any drawn by Lot to be Judge of Appeal, be ſick or abſent, or unable to ſit (Oath being made thereof) the Party appellant or his Solicitor, may reſort to the Regiſter of the Chancery, and inform him thereof, and ſhall draw another in his Stead; and the Regiſter ſhall make like Order for his joining with the other Judges; and in Caſe there be any wilful Default in Non-attendance, in any Perſon appointed to hear Appeals, ſuch Perſon ſhall forfeit Ten Pounds, and the Regiſter of the Chancery for every Default Twenty Pounds, one half to the Commonwealth, the other to the Party appearing: And the ſaid Judges of Appeal, or any five of them, may impoſe ſuch Fine upon the Clerks, Officers and Miniſters of Juſtice, as they ſhall find juſt, for any Neglect or Default contrary to this Act.

That if the ſaid Judges of Appeal, by Reaſon of Multiplicity of Appeals, or other juſt Cauſe, cannot attend the hearing and determining Appeals at the preciſe Times appointed by this Act, yet the ſaid Judges of Appeal ſo appointed, or any five or more of them, may meet at ſome other Time, and hear and determine the ſame, and not be tyed up to Formalities of Adjournments, or any legal

legal Niceties in the Courſe of their Proceedings; but ſhall obſerve the hearing of Appeals in the Order of Time as they are entered with the Regiſter.

That after Judgment in any criminal or civil Cauſes upon any Injuſtice in Judgment or Proceedings, there may be an Appeal from the Courts of County Judicature, and the Courts of Record of *London*; ſo always as the Appeal, and all the Grounds and Reaſons thereof be put in Writing under the Hand of the Party appealing, his Council or Attorney, and delivered to the Chief-Clerk of the Judicature or Court, within twenty Days next after Judgment, who ſhall enter the ſame in the Book of Rules of the ſaid Court, (taking like Fees for the ſame as the Regiſter of Chancery) and delivering the ſame Back, ſigned with his Hand, and the Time of Entry: And if the Party appealing be not relieved, touching the matter of his Appeal in the ſaid Court, within ſeven Days after the next ſitting of the Judicature or Court for hearing and determining ſuch Cauſes, he may in all ſuch criminal Cauſes or Indictments, or Informations upon Penal Statutes, reſort to the Chief-Clerk of the Upper-Bench; and in all Civil Cauſes, to the Chief-Clerk of the Common-Pleas; and leave with them a true Copy of the ſaid Appeal, depoſiting ten Pounds in their Hands (unleſs admitted to ſue as a poor Man, and in ſuch Caſe nothing:) And the ſaid Chief-Clerk ſhall acquaint the ſaid Court therewith, who are conſtituted Judges of Appeal in ſuch Caſes, and ſhall thereupon appoint a certain Time for hearing and determining the ſame in Preſence of three or more of the Judges of the ſaid reſpective Courts (of which no Judge to be any that had to do in the Buſineſs appealed from) either in Term or out of Term, and (without any Formality of legal Proceedings) ſhall hear and finally determine the ſame according to Juſtice, and ſhall award Judgment and Execution accordingly; and ſhall give at every Appeal full Coſts to either Party, and Damages as ſhall be juſt; and if the Appeal be cauſleſs, the ten Pounds depoſited ſhall be paid to the Commonwealth; but if it be adjudged good, it ſhall be repaid to the Party appealing: But the Court where the Cauſe firſt depended, ſhall in no Caſe ſtay their Proceedings, until they be ſo ordered by the Judges of Appeal, which is not to be done in any Cauſe, until they find Cauſe to give the Appellant Relief upon a full hearing of the Appeal: And the Judges of either of the ſaid Courts ſhall proceed with all Expedition, and not ſuffer any Appeal to depend above forty Days before them undetermined; and if they ſhall, the Party appealing may appeal to the twenty Judges of Appeal, for Delay in doing Juſtice, and alſo upon the matter of his Appeal, and have like Relief, as in caſe of Injuſtice in Judgment or Proceedings in either of the ſaid Courts: And after Judgment in any City, Corporation or Borough-Court of Record, other than *London*, a like Appeal may be had to the County Judicature within which ſuch City, Corporation or Borough doth lie, to be heard and determined in the General Seſſion, declaring the Grounds of the Appeal, and depoſiting ten Pounds as aforeſaid.

And laſtly be it enacted, That where any Perſon is admitted to ſue as a poor Man, and ſhall appeal, and the ſame ſhall be adjudged cauſleſs, he ſhall be ſent to the Workhouſe to continue there for a Month, and alſo be whipt.

Provided always, That nothing in this Act touching Appeals, is to extend to Capital Cauſes; and that from and after

no Writ of Error, or Bill of Review ſhall be admitted where an Appeal lieth by this preſent Act.

The Forms of DECLARATIONS, which are to be PRECEDENTS.

Middleſex.

A. B. *complains of* C. D. *of* *Gent. for not paying him Twenty Pounds, according to his Promiſe, being ſo much indebted to him the* *Day of* *to his Damage of*

Hertford.

R. S. *complains of* D. L. *of* *for not delivering him Twenty Quarters of Malt, which the* *Day of* *he promiſed for good Conſiderations to deliver, to his Damage of*

London.

I. B. *complains of* I. W. *of* *for not paying him Ten Pounds Debt, and Five Pounds Damages, which is due from him by Bond, dated the* *Day of* *to his Damage for not paying it, of*

Surrey.

I. B. *complains of* W. A. *of* *for Breach of Covenants in an Indenture, dated the* *Day of* *in the Year* *between the ſaid* I. *on the one Part, and the ſaid* W. *of the other Part; whereby the ſaid* I. *leaſed to the ſaid* W. *an Inn called the* Tun, *in* *in the ſaid County, with the Appurtenances, from the* *Day of* *before the Date for* *Years: Which Breaches are for ſuffering the ſaid Meſſuage, of the Price of* *and a Gate-houſe of the Value of* *Parcel of the demiſed Premiſes, to be uncovered, broken, and in Decay for want of Tiling, Bricking and Plaiſtering the Walls, the* *Day of* *and from thence to the* *Day of* *following; by Reaſon whereof the Studs and Rafters of the ſaid demiſed Premiſes, by Wind and Rain, became rotten; and the ſaid Meſſuage, and other the ſaid demiſed Premiſes became ruinous; and left the ſaid Meſſuage, and other the ſaid demiſed Premiſes, out of Repair at the End of his Term, and did not yield up the Poſſeſſion of the ſaid Meſſuage and demiſed Premiſes to the ſaid* I. *the* *Day of* *when the Term ended: In all which Particulars the ſaid* W. *broke his Covenants in the ſaid Indenture, to the Damage of the ſaid* I. *of* (or for other Breaches, according to the Truth of the Caſe)

Norfolk.

I. H. *complains of* A. B. *of* *for that the ſaid* A. B. *at* Norfolk *Seſſions for the Peace, the* *Day of* *did falſely and maliciouſly cauſe the ſaid*

ſaid I. H. *to be indicted for ſtealing a Cloak, whereupon he was acquitted, to his Damage of*

Norfolk.

E. F. *complains of* A. B. *and* C. D. *for that they, by Conſpiracy between them, did at* Norfolk *Seſſions for the Peace, the third Day of falſely and maliciouſly cauſe him to be indicted for ſtealing a Cloak, and thereupon to be detained in Priſon till the Day of when he was lawfully acquitted, to his Damage of*

Northampton.

A. B. *complains of the Inhabitants of the Hundred of* M. *for that he was robbed of the Day of in the Day-time, at a Place called the in the Pariſh of in the Hundred of by Men unknown; and though he made* Hue-and-Cry, *and made Oath before* I. F. *a Juſtice of Peace of the ſaid County, according to the Statute, that he did not know the Parties that robbed him, nor any of them; and forty Days are paſt ſince the ſaid Robbery, yet the Hundreds have not taken any of the ſaid Robbers, nor made him Amends for the ſaid Robbery, to his Damage of*

Wilts.

E. P. *complains of* G. W. *of for ſpeaking theſe falſe and ſlanderous Words to him the Day of to wit* (Thou art a Thief) *to his Damage of*

Somerſet.

M. P. *complains of* G. W. *for that whereas there was a Treaty of Marriage between her and one of the ſaid* G. W. *ſpoke theſe falſe and ſlanderous Words of her the Day of* (M. P. hath had a Baſtard) *by which ſhe loſt her Marriage, to her Damage of*

London.

T. W. *complains of* R. W. *that the ſaid* T. *being a Tradeſman, the ſaid* R. *the Day of ſpoke theſe falſe and ſlanderous Words of him, to wit* (T. W. is a Bankrupt) *to his Damage of*

Somerſet.

T. W. *complains of* R. W. *of for Forty Pounds Debt and Damage, for not ſetting out his Tythe of Acres of Wheat growing in the ſaid Pariſh in* 165 *which belongs to the ſaid* T. *being Owner of the ſaid Tythes in that Pariſh, which Tythes were worth And the treble Value payable by the Statute for not ſetting them out is the Non-payment whereof is to his Damage of*

Suffolk,

Suffolk.

B. S. *complains of* A. B. *of for Treſpaſs done in a Houſe in wherein the ſaid* A. B. *now dwells, and Acres of Land and Acres of Paſture, uſed with the ſaid Houſe the Day of continuing the Treſpaſs till the following, and withholding the Poſſeſſion of the ſaid Houſe, Land, and Paſture from him, to his Damage of*

Eſſex.

R. F. *Adminiſtrator of* A. C. *who died the Day of complains of* D. E. *of for that whereas* E. R. *did the Day of leaſe to* M. O. *a Houſe in for Years from the Date of the ſaid Leaſe, at the Yearly Rent of payable every by equal Portions; and whereas the ſaid Term by mean Aſſignments came to* D. E. *and the Reverſion of the ſaid Houſe by mean Aſſignments came to the ſaid* A. C. *there being for a Year's Rent due the Day of payable to the ſaid* R. F. *by the ſaid* D. E. *that he hath not paid it, to his Damage of*

Rutland.

A. B. *demands of* C. D. *of* E. *and* R. F. *of* G. *that they make Partition of the Manor of* M. *in the Pariſh of* L. *whereof one Part belongeth to the ſaid* A. B. *and his Heirs* [*or to the ſaid* A. B. *for Years*] *which are to end the Day of which will be in the Year*

Lincoln.

A. B. *complains of* C. D. *of* E. *for Waſte done by the ſaid* C. D. *in a Houſe in* E. *aforeſaid (in pulling the ſame down, or,* &c.) *which he holdeth for a Term of Years, (or which he holdeth in Extent upon an Execution) the Inheritance whereof belongs to the ſaid* A. B. *to his Damage of which being trebled amounteth to the which the ſaid* A. B. *requires from the ſaid* C. D. *and alſo the Place waſted.*

Cumberland.

M. B. *the Widow of* C. D. *of* R. *demands from* E. F. *her Dower of the Manor of* F. *which was the Inheritance of the ſaid* C. D. *of which ſhe is dowable, who died ſeized of the ſaid Manor the Day of of the Value of by the Year, which the ſaid* E. F. *withholds, to her Damage of*

(Or may leave out the Words of *dying ſeized*, when he did not.)

And for any other Declarations in other Cauſes, the Chief-Clerk or Judges of the Court to direct ſuch ſhort Forms as theſe, which are to be accounted ſufficient in Law.

Exam' by *Tracy Pauncefote*, Secr'.

F I N I S.

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